

Senate Amendment 3330

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1 1 Amend the Senate amendment, H=1703, to House File
1 2 882, as amended, passed, and reprinted by the House,
1 3 as follows:
1 4 #1. By striking page 1, line 3, through page 49,
1 5 line 22, and inserting the following:
1 6 <#____. Page 2, by inserting after line 5 the
1 7 following:
1 8 <Sec. _____. BUDGET PROCESS FOR FISCAL YEAR 2006=
1 9 2007.
1 10 1. For the budget process applicable to the fiscal
1 11 year beginning July 1, 2006, on or before October 1,
1 12 2005, in lieu of the information specified in section
1 13 8.23, subsection 1, unnumbered paragraph 1, and
1 14 paragraph "a", all departments and establishments of
1 15 the government shall transmit to the director of the
1 16 department of management, on blanks to be furnished by
1 17 the director, estimates of their expenditure
1 18 requirements, including every proposed expenditure,
1 19 for the ensuing fiscal year, together with supporting
1 20 data and explanations as called for by the director of
1 21 the department of management after consultation with
1 22 the legislative services agency.
1 23 2. The estimates of expenditure requirements shall
1 24 be in a form specified by the director of the
1 25 department of management, and the expenditure
1 26 requirements shall include all proposed expenditures
1 27 and shall be prioritized by program or the results to
1 28 be achieved. The estimates shall be accompanied by
1 29 performance measures for evaluating the effectiveness
1 30 of the programs or results.
1 31 #strike>____. Page 4, by inserting after line 22, the
1 32 following:
1 33 <Sec. _____. Section 8.8, Code 2005, is amended to
1 34 read as follows:
1 35 8.8 SPECIAL OLYMPICS FUND == APPROPRIATION.
1 36 A special olympics fund is created in the office of
1 37 the treasurer of state under the control of the
1 38 department of management. There is appropriated
1 39 annually from the general fund of the state to the
1 40 special olympics fund ~~thirty~~ fifty thousand dollars
1 41 for distribution to one or more organizations which
1 42 administer special olympics programs benefiting the
1 43 citizens of Iowa with disabilities.>
1 44 #strike>____. Page 5, by inserting after line 11 the
1 45 following:
1 46 <Sec. _____. DEPARTMENT OF CULTURAL AFFAIRS ==
1 47 NONPROFIT MUSIC ENTITIES. There is appropriated from
1 48 the general fund of the state to the department of
1 49 cultural affairs for the fiscal year beginning July 1,
1 50 2005, and ending June 30, 2006, twenty=five thousand
2 1 dollars for purposes of providing two twelve thousand
2 2 five hundred dollar grants to nonprofit music
2 3 entities. A recipient of a grant shall be a nonprofit
2 4 entity that is formed with members including local
2 5 musicians, music promoters, representatives of music
2 6 venues and businesses, community leaders, and live
2 7 music enthusiasts who discuss, assess, and expedite
2 8 the implementation of a unified music agenda for a
2 9 local community and aggressively advocates, sponsors,
2 10 and develops an independent, progressive live music
2 11 economy in a local community.>
2 12 #strike>____. Page 5, line 13, by inserting before the
2 13 word <department> the following: <Iowa>.
2 14 #strike>____. Page 5, by inserting before line 21, the
2 15 following:
2 16 <Sec. _____. HEALTHY IOWANS TOBACCO TRUST == PKU
2 17 ASSISTANCE. There is appropriated from the healthy
2 18 Iowans tobacco trust created in section 12.65 to the
2 19 Iowa department of public health for the fiscal year
2 20 beginning July 1, 2005, and ending June 30, 2006, the
2 21 following amount, or so much thereof as is necessary,
2 22 to be used for the purpose designated:
2 23 For providing grants to individual patients who
2 24 have phenylketonuria (PKU) to assist with the costs of

2 25 special food needed:
 2 26 \$ 60,000
 2 27 Sec. ____ ENRICH IOWA LIBRARIES PROGRAM. There is
 2 28 appropriated from the rebuild Iowa infrastructure fund
 2 29 to the department of education for the fiscal year
 2 30 beginning July 1, 2005, and ending June 30, 2006, the
 2 31 following amount, or so much thereof as is necessary:
 2 32 To provide resources for structural and
 2 33 technological improvements to local libraries and for
 2 34 the enrich Iowa program, notwithstanding section 8.57,
 2 35 subsection 6, paragraph "c":
 2 36 \$ 200,000
 2 37 Sec. ____ DEPARTMENT OF EDUCATION == COMMUNITY
 2 38 COLLEGES. There is appropriated from the rebuild Iowa
 2 39 infrastructure fund to the department of education for
 2 40 the designated fiscal years, the following amounts, or
 2 41 so much thereof as is necessary, to be used for the
 2 42 purposes designated:
 2 43 For major renovation and major repair needs,
 2 44 including health, life, and fire safety needs, and for
 2 45 compliance with the federal Americans With
 2 46 Disabilities Act, for state buildings and facilities
 2 47 under the purview of the community colleges:
 2 48 FY 2006=2007..... \$ 2,000,000
 2 49 FY 2007=2008..... \$ 2,000,000
 2 50 FY 2008=2009..... \$ 2,000,000
 3 1 The moneys appropriated in this section shall be
 3 2 allocated to the community colleges based upon the
 3 3 distribution formula established in section 260C.18C,
 3 4 if enacted by 2005 Iowa Acts, House File 816.
 3 5 Notwithstanding section 8.33, moneys appropriated
 3 6 in this section shall not revert at the close of the
 3 7 fiscal year for which they were appropriated but shall
 3 8 remain available for the purposes designated until the
 3 9 close of the fiscal year that begins July 1, 2010, or
 3 10 until the project for which the appropriation was made
 3 11 is completed, whichever is earlier.>
 3 12 ~~_____~~. Page 5, by striking lines 21 through 29.
 3 13 ~~_____~~. Page 5, lines 31 and 32, by striking the
 3 14 words <state department of transportation> and
 3 15 inserting the following: <homeland security and
 3 16 emergency management division of the department of
 3 17 public safety>.
 3 18 ~~_____~~. Page 6, line 1, by striking the figure
 3 19 <125,000> and inserting the following: <100,000>.
 3 20 ~~_____~~. Page 6, by striking lines 2 through 19.
 3 21 ~~_____~~. Page 6, by inserting before line 20, the
 3 22 following:
 3 23 <Sec. ____ HEALTHY IOWANS TOBACCO TRUST == AIDS
 3 24 DRUG ASSISTANCE PROGRAM. There is appropriated from
 3 25 the healthy Iowans tobacco trust created in section
 3 26 12.65 to the Iowa department of public health for the
 3 27 fiscal year beginning July 1, 2005, and ending June
 3 28 30, 2006, the following amount, or so much thereof as
 3 29 is necessary, to be used for the purpose designated:
 3 30 For additional funding to leverage federal funding
 3 31 through the federal Ryan White Care Act, Title II,
 3 32 AIDS drug assistance program supplemental drug
 3 33 treatment grants:
 3 34 \$ 275,000
 3 35 Sec. ____ GREAT PLACES. There is appropriated
 3 36 from the general fund of the state to the department
 3 37 of cultural affairs for the fiscal year beginning July
 3 38 1, 2004, and ending June 30, 2005, the following
 3 39 amount, or so much thereof as is necessary, to be used
 3 40 for the purposes designated:
 3 41 For salaries, support, maintenance, and
 3 42 miscellaneous purposes:
 3 43 \$ 100,000
 3 44 Notwithstanding section 8.33, any moneys
 3 45 appropriated in this section that remain unencumbered
 3 46 or unobligated at the close of the fiscal year shall
 3 47 not revert but shall remain available for expenditure
 3 48 for the purposes designated until the close of the
 3 49 succeeding fiscal year.
 3 50 Sec. ____ UNDERGROUND STORAGE TANK FUND ==
 4 1 WATERSHED IMPROVEMENT FUND == FY 2005=2006.
 4 2 Notwithstanding section 455G.3, subsection 1, there is
 4 3 appropriated from the Iowa comprehensive petroleum
 4 4 underground storage tank fund created in section
 4 5 455G.3, subsection 1, to the office of the treasurer

4 6 of state during the fiscal year beginning July 1,
4 7 2005, and ending June 30, 2006, the following amount,
4 8 or so much thereof as is necessary, to be used for the
4 9 purpose designated:
4 10 For deposit in the watershed improvement fund
4 11 created in 2005 Iowa Acts, Senate File 200, if
4 12 enacted:
4 13 \$ 5,000,000
4 14 Moneys in the watershed improvement fund are
4 15 appropriated for the fiscal year beginning July 1,
4 16 2005, and ending June 30, 2006, to fulfill the duties
4 17 of the watershed improvement review board, if enacted
4 18 by 2005 Iowa Acts, Senate File 200.>
4 19 ~~#strike>___~~. Page 6, by striking lines 31 through 35.
4 20 ~~#strike>___~~. By striking page 7, line 1, through page 11,
4 21 line 16.
4 22 ~~#strike>___~~. Page 11, by inserting before line 17, the
4 23 following:
4 24 <Sec. _____. 2005 Iowa Acts, House File 862, section
4 25 1, subsection 2, paragraph h, unnumbered paragraph 1,
4 26 and paragraph i, unnumbered paragraph 1, if enacted,
4 27 are amended to read as follows:
4 28 For a grant program to provide substance abuse
4 29 prevention programming for children:
4 30 \$ ~~400,000~~
4 31 200,000
4 32 For a grant to a program that utilizes high school
4 33 mentors to teach life skills, violence prevention, and
4 34 character education in an effort to reduce the illegal
4 35 use of alcohol, tobacco, and other substances:
4 36 \$ ~~400,000~~
4 37 200,000
4 38 Sec. _____. 2005 Iowa Acts, House File 862, section
4 39 1, subsection 2, paragraph j, if enacted, is amended
4 40 to read as follows:
4 41 j. For a grant program to provide substance abuse
4 42 prevention programming, including tobacco use
4 43 prevention programming, for children:
4 44 \$ ~~800,000~~
4 45 400,000
4 46 The Iowa department of public health shall utilize
4 47 a request for proposals process to implement this
4 48 paragraph "j". A program approved for a grant under
4 49 paragraph "h" or paragraph "i" shall not be eligible
4 50 for a grant under this paragraph "j".
5 1 Eligible grant applicants shall include, but shall
5 2 not be limited to, mentoring organizations and
5 3 organizations that practice and implement nationally
5 4 accepted standards for mentoring programs.
5 5 All grant recipients shall participate in a program
5 6 evaluation as a requirement for receiving grant funds.
5 7 Sec. _____. NATIONAL GOVERNORS ASSOCIATION MEETING.
5 8 2004 Iowa Acts, chapter 1175, section 12, subsection
5 9 4, as amended by 2005 Iowa Acts, House File 810, if
5 10 enacted, is amended to read as follows:
5 11 4. NATIONAL GOVERNORS ASSOCIATION
5 12 For payment of Iowa's membership in the national
5 13 governors association:
5 14 \$ ~~364,393~~
5 15 164,393
5 16 Of the funds appropriated in this subsection,
5 17 ~~\$300,000~~ \$100,000 is allocated for security-related
5 18 costs and other expenses associated with the national
5 19 governors association national meeting.
5 20 Notwithstanding section 8.33, the moneys allocated for
5 21 the meeting that remain unencumbered or unobligated at
5 22 the close of the fiscal year shall not revert but
5 23 shall remain available for expenditure for the
5 24 purposes designated until the close of the succeeding
5 25 fiscal year.
5 26 Sec. _____. 2005 Iowa Acts, House File 881, section
5 27 5, unnumbered paragraph 1, if enacted, is amended to
5 28 read as follows:
5 29 There is appropriated from the general fund of the
5 30 state to the salary adjustment fund for distribution
5 31 by the department of management to the various state
5 32 departments, boards, commissions, councils, and
5 33 agencies, excluding the state board of regents, for
5 34 the fiscal year beginning July 1, 2005, and ending
5 35 June 30, 2006, the amount of ~~\$38,500,000~~ 40,900,000,
5 36 or so much thereof as may be necessary, to fully fund

5 37 annual pay adjustments, expense reimbursements, and
 5 38 related benefits implemented pursuant to the
 5 39 following:>
 5 40 ~~_____~~. By striking page 12, line 18, through page
 5 41 13, line 4.
 5 42 ~~_____~~. Page 13, by striking lines 27 through 33.
 5 43 ~~_____~~. Page 13, by inserting before line 34, the
 5 44 following:
 5 45 <_____. The sections of this division of this Act
 5 46 appropriating moneys to the department of cultural
 5 47 affairs for great places and amending 2004 Iowa Acts,
 5 48 chapter 1175, section 12, subsection 4, being deemed
 5 49 of immediate importance, take effect upon enactment.>
 5 50 ~~_____~~. Page 13, by inserting before line 34 the
 6 1 following:
 6 2 <DIVISION _____
 6 3 APPROPRIATION REVISIONS
 6 4 Sec. _____. JOBS FOR AMERICA'S GRADUATES. There is
 6 5 appropriated from the general fund of the state to the
 6 6 department of education for the fiscal year beginning
 6 7 July 1, 2005, and ending June 30, 2006, the following
 6 8 amount, or so much thereof as is necessary, to be used
 6 9 for the purpose designated:
 6 10 For school districts to provide direct services to
 6 11 the most at-risk senior high school students enrolled
 6 12 in school districts through direct intervention by a
 6 13 jobs for America's graduates specialist:
 6 14 \$ 400,000
 6 15 Sec. _____. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
 6 16 FINANCIAL ADMINISTRATION. There is appropriated from
 6 17 the general fund of the state to the department of
 6 18 administrative services for the fiscal year beginning
 6 19 July 1, 2005, and ending June 30, 2006, the following
 6 20 amount, or so much thereof as is necessary, to be used
 6 21 for the purpose designated:
 6 22 For financial administration duties:
 6 23 \$ 200,000
 6 24 Sec. _____. DEPARTMENT OF MANAGEMENT == PERFORMANCE
 6 25 AUDITS. There is appropriated from the general fund
 6 26 of the state to the department of management for the
 6 27 fiscal year beginning July 1, 2005, and ending June
 6 28 30, 2006, the following amount, or so much thereof as
 6 29 is necessary, to be used for the purposes designated:
 6 30 For conducting performance audits and developing
 6 31 performance measures, including salaries, support,
 6 32 maintenance, miscellaneous purposes, and for not more
 6 33 than the following full-time equivalent positions:
 6 34 \$ 216,000
 6 35 FTEs 2.50
 6 36 Sec. _____. GOVERNOR'S OFFICE OF DRUG CONTROL
 6 37 POLICY. If 2005 Iowa Acts, House File 810, is enacted
 6 38 and provides for an appropriation from the general
 6 39 fund of the state to the governor's office of drug
 6 40 control policy for the fiscal year beginning July 1,
 6 41 2005, and ending June 30, 2006, that appropriation is
 6 42 reduced by the following amount:
 6 43 \$ 13,195
 6 44 Sec. _____. DEPARTMENT OF INSPECTIONS AND APPEALS ==
 6 45 ADMINISTRATION DIVISION. If 2005 Iowa Acts, House
 6 46 File 810, is enacted and provides for an appropriation
 6 47 from the general fund of the state to the department
 6 48 of inspections and appeals, administration division,
 6 49 for the fiscal year beginning July 1, 2005, and ending
 6 50 June 30, 2006, that appropriation is reduced by the
 7 1 following amount:
 7 2 \$ 49,000
 7 3 Sec. _____. DEPARTMENT OF REVENUE == OPERATIONS. If
 7 4 2005 Iowa Acts, House File 810, is enacted and
 7 5 provides for an appropriation from the general fund of
 7 6 the state to the department of revenue for operations
 7 7 for the fiscal year beginning July 1, 2005, and ending
 7 8 June 30, 2006, that appropriation is reduced by the
 7 9 following amount:
 7 10 \$ 25,882
 7 11 Sec. _____. DEPARTMENT OF AGRICULTURE AND LAND
 7 12 STEWARDSHIP == SOIL AND WATER CONSERVATION DISTRICTS.
 7 13 If 2005 Iowa Acts, House File 808, is enacted and
 7 14 provides for an appropriation from the general fund of
 7 15 the state to the department of agriculture and land
 7 16 stewardship for purposes of reimbursing commissioners
 7 17 of soil and water conservation districts for expenses,

7 18 for the fiscal year beginning July 1, 2005, and ending
 7 19 June 30, 2006, that appropriation is reduced by the
 7 20 following amount:
 7 21 \$ 50,000
 7 22 Sec. ____ COLLEGE STUDENT AID COMMISSION. If 2005
 7 23 Iowa Acts, House File 816, is enacted and provides for
 7 24 an appropriation from the general fund of the state to
 7 25 the college student aid commission for the national
 7 26 guard educational assistance program for the fiscal
 7 27 year beginning July 1, 2005, and ending June 30, 2006,
 7 28 that appropriation is reduced by the following amount:
 7 29 \$ 75,000
 7 30 Sec. ____ DEPARTMENT OF MANAGEMENT. If 2005 Iowa
 7 31 Acts, House File 816 is enacted and provides for an
 7 32 appropriation from the general fund of the state to
 7 33 the department of management for allocation to the
 7 34 institute for tomorrow's workforce created under
 7 35 chapter 7K, if enacted by 2005 Iowa Acts, House File
 7 36 816, for the fiscal year beginning July 1, 2005, and
 7 37 ending June 30, 2006, that appropriation is reduced by
 7 38 the following amount:
 7 39 \$ 100,000
 7 40 Sec. ____ IOWA DEPARTMENT OF PUBLIC HEALTH. If
 7 41 2005 Iowa Acts, House File 825, is enacted and
 7 42 provides for appropriations from the general fund of
 7 43 the state to the Iowa department of public health for
 7 44 the fiscal year beginning July 1, 2005, and ending
 7 45 June 30, 2006, for the following indicated purposes in
 7 46 2005 Iowa Acts, House File 825, those appropriations
 7 47 are reduced by the following amounts:
 7 48 1. For environmental hazards:
 7 49 \$ 50,000
 7 50 2. For injuries:
 8 1 \$ 50,000
 8 2 3. For public protection:
 8 3 \$ 40,000
 8 4 Sec. ____ MEDICAL ASSISTANCE APPROPRIATION. If
 8 5 2005 Iowa Acts, House File 825, is enacted and
 8 6 provides for an appropriation from the general fund of
 8 7 the state to the department of human services for the
 8 8 fiscal year beginning July 1, 2005, and ending June
 8 9 30, 2006, for the medical assistance program, that
 8 10 appropriation is reduced by the following amount:
 8 11 \$ 11,353,381
 8 12 Sec. ____ SENIOR LIVING TRUST FUND APPROPRIATION.
 8 13 If 2005 Iowa Acts, House File 825, is enacted and
 8 14 provides for an appropriation from the senior living
 8 15 trust fund to the department of human services for the
 8 16 fiscal year beginning July 1, 2005, and ending June
 8 17 30, 2006, to supplement the medical assistance
 8 18 appropriation, that appropriation is increased by the
 8 19 following amount:
 8 20 \$ 9,353,381
 8 21 Sec. ____ DEPARTMENT OF HUMAN SERVICES. If 2005
 8 22 Iowa Acts, House File 825, is enacted and provides for
 8 23 appropriations from the general fund of the state to
 8 24 the department of human services for the fiscal year
 8 25 beginning July 1, 2005, and ending June 30, 2006, for
 8 26 the following indicated purposes, those appropriations
 8 27 are reduced by the following amounts:
 8 28 1. For the children's health insurance program:
 8 29 \$ 50,000
 8 30 2. For MI/MR/DD state cases:
 8 31 \$ 50,000
 8 32 Sec. ____ DEPARTMENT OF JUSTICE == GENERAL OFFICE.
 8 33 If 2005 Iowa Acts, House File 811, is enacted and
 8 34 provides for an appropriation from the general fund of
 8 35 the state to the department of justice for the
 8 36 department's general office, that appropriation is
 8 37 reduced by the following amount:
 8 38 \$ 25,000
 8 39 Sec. ____ DEPARTMENT OF CORRECTIONS. If 2005 Iowa
 8 40 Acts, House File 811, is enacted and provides for an
 8 41 appropriation from the general fund of the state to
 8 42 the department of corrections for offender substance
 8 43 abuse and mental health treatment for the fiscal year
 8 44 beginning July 1, 2005, and ending June 30, 2006, that
 8 45 appropriation is reduced by the following amount:
 8 46 \$ 100,000
 8 47 Sec. ____ DEPARTMENT OF PUBLIC SAFETY == BUILDING
 8 48 SECURITY. If 2005 Iowa Acts, House File 875, is

8 49 enacted and provides for an appropriation from the
8 50 general fund of the state to the department of public
9 1 safety for capitol building and judicial building
9 2 security for the fiscal year beginning July 1, 2005,
9 3 and ending June 30, 2006, that appropriation is
9 4 reduced by the following amount:
9 5 \$ 25,000

9 6 Sec. ____ JUDICIAL BRANCH. If 2005 Iowa Acts,
9 7 House File 807, is enacted and provides for an
9 8 appropriation from the general fund of the state to
9 9 the judicial branch for the fiscal year beginning July
9 10 1, 2005, and ending June 30, 2006, that appropriation
9 11 is reduced by the following amount:
9 12 \$ 50,000

9 13 Sec. ____ REGISTERED NURSE RECRUITMENT PROGRAM
9 14 FUNDS. From the funds appropriated for tuition grants
9 15 pursuant to section 261.25, subsection 1, for the
9 16 fiscal year beginning July 1, 2005, up to fifty
9 17 thousand dollars shall be used to provide forgivable
9 18 loans as provided in section 261.23 to residents of
9 19 Iowa who are registered nurses and who are seeking to
9 20 become qualified as nursing faculty in Iowa and to
9 21 teach in Iowa schools. To qualify for a forgivable
9 22 loan pursuant to this section, in addition to the
9 23 requirements of section 261.23, a person shall be
9 24 enrolled at a not-for-profit accredited school of
9 25 nursing that is located in this state.

9 26 Sec. ____ HEALTH FACILITIES COUNCIL. If 2005 Iowa
9 27 Acts, House File 810, is enacted and includes an
9 28 appropriation from the general fund of the state to
9 29 the department of inspections and appeals for the
9 30 health facilities council for the fiscal year
9 31 beginning July 1, 2005, and ending June 30, 2006, any
9 32 provision of that appropriation designating the use of
9 33 \$80,000 and a full-time equivalent position for a
9 34 particular purpose shall not be applied.

9 35 Sec. ____ YOUTH ENRICHMENT PILOT PROJECT == YOUTH
9 36 LEADERSHIP PROGRAM.

9 37 1. Of the funds appropriated in 2005 Iowa Acts,
9 38 House File 807, if enacted, from the general fund of
9 39 the state to the judicial branch for purposes of a
9 40 youth enrichment pilot project, for the fiscal year
9 41 beginning July 1, 2005, and ending June 30, 2006,
9 42 \$50,000 is transferred to the department of
9 43 corrections to be used for a youth leadership program
9 44 in the sixth judicial district department of
9 45 correctional services in accordance with subsection 2.

9 46 2. The moneys transferred pursuant to subsection 1
9 47 shall be used by the judicial district department of
9 48 correctional services to establish or maintain a youth
9 49 leadership model program to help at-risk youth in the
9 50 judicial district department of correctional services.

10 1 As a part of the program, the judicial district
10 2 department of correctional services may recruit
10 3 college or high school students in the judicial
10 4 district to work with at-risk youth. The student
10 5 workers shall be recruited regardless of gender, be
10 6 recommended by their respective schools as good role
10 7 models, including, but not limited to, students who
10 8 possess capabilities in one or more of the following
10 9 areas of ability: intellectual capacity, athletic,
10 10 visual arts, or performing arts.

10 11 Sec. ____ CENTER FOR CONGENITAL AND INHERITED
10 12 DISORDERS CENTRAL REGISTRY. Notwithstanding section
10 13 144.13A, subsection 4, paragraph "a", for the fiscal
10 14 year beginning July 1, 2005, \$40,000 of the fees
10 15 collected by the state registrar that would otherwise
10 16 be appropriated and used for the center for congenital
10 17 and inherited disorders central registry established
10 18 pursuant to section 136A.6 shall be credited to the
10 19 general fund of the state.>

10 20 #strike> ____ Page 13, by inserting after line 35, the
10 21 following:

10 22 <Sec. ____ Section 8D.2, subsection 5, paragraph
10 23 b, Code 2005, is amended to read as follows:

10 24 b. For the purposes of this chapter, "public
10 25 agency" also includes any homeland security or defense
10 26 facility or disaster response agency established by
10 27 the administrator of the homeland security and
10 28 emergency management division of the department of
10 29 public defense or the governor or any facility

10 30 connected with a security or defense system or
10 31 disaster response as required by the administrator of
10 32 the homeland security and emergency management
10 33 division of the department of public defense or the
10 34 governor.

10 35 Sec. _____. Section 8D.9, subsection 3, Code 2005,
10 36 is amended to read as follows:

10 37 3. A facility that is considered a public agency
10 38 pursuant to section 8D.2, subsection 5, paragraph "b",
10 39 shall be authorized to access the Iowa communications
10 40 network strictly for homeland security communication
10 41 purposes and disaster communication purposes. Any
10 42 utilization of the network that is not related to
10 43 communications concerning homeland security or a
10 44 disaster, as defined in section 29C.2, is expressly
10 45 prohibited. Access under this subsection shall be
10 46 available only if a state of disaster emergency is
10 47 proclaimed by the governor pursuant to section 29C.6
10 48 or a homeland security or disaster event occurs
10 49 requiring connection of disparate communications
10 50 systems between public agencies to provide for a
11 1 multi-agency or multi-jurisdictional response. Access
11 2 shall continue only for the period of time the
11 3 homeland security or disaster event exists. For
11 4 purposes of this subsection, disaster communication
11 5 purposes includes training and exercising for a
11 6 disaster if public notice of the training and
11 7 exercising session is posted on the website of the
11 8 homeland security and emergency management division of
11 9 the department of public defense. A scheduled and
11 10 noticed training and exercising session shall not
11 11 exceed five days. Interpretation and application of
11 12 the provisions of this subsection shall be strictly
11 13 construed.>

11 14 ~~By striking page 14, line 1, through page~~
11 15 ~~15, line 17.~~

11 16 ~~Page 18, by inserting after line 30, the~~
11 17 ~~following:~~

11 18 <Sec. _____. Section 331.439, Code 2005, is amended
11 19 by adding the following new subsection:

11 20 NEW SUBSECTION. 9. The county management plan
11 21 shall designate at least one hospital licensed under
11 22 chapter 135B that the county has contracted with to
11 23 provide services covered under the plan. If the
11 24 designated hospital does not have a bed available to
11 25 provide the services, the county is responsible for
11 26 the cost of covered services provided at an alternate
11 27 hospital licensed under chapter 135B.

11 28 Sec. _____. Section 364.17, subsection 3, paragraph
11 29 a, Code 2005, is amended to read as follows:

11 30 a. A schedule of civil penalties or criminal fines
11 31 for violations. A city may charge the owner of
11 32 housing a late payment fee of twenty-five dollars and
11 33 may add interest of up to one and one-half percent per
11 34 month if a penalty or fine imposed under this
11 35 paragraph is not paid within thirty days of the date
11 36 that the penalty or fine is due. The city shall send
11 37 a notice of the late payment fee to such owner by
11 38 first class mail to the owner's personal or business
11 39 mailing address. The late payment fee and the
11 40 interest shall not accrue if such owner files an
11 41 appeal with either the city, if the city has
11 42 established an appeals procedure, or the district
11 43 court. Any unpaid penalty, fine, fee, or interest
11 44 shall constitute a lien on the real property and may
11 45 be collected in the same manner as a property tax.
11 46 However, before a lien is filed, the city shall send a
11 47 notice of intent to file a lien to the owner of the
11 48 housing by first class mail to such owner's personal
11 49 or business mailing address.

11 50 Sec. _____. Section 364.17, subsection 5, Code 2005,
12 1 is amended to read as follows:

12 2 5. Cities may establish reasonable fees for
12 3 inspection and enforcement procedures. A city may
12 4 charge the owner of housing a late payment penalty of
12 5 twenty-five dollars and may add interest of up to one
12 6 and one-half percent per month if a fee imposed under
12 7 this subsection is not paid within thirty days of the
12 8 date that the fee is due. The city shall send a
12 9 notice of the late payment penalty to such owner by
12 10 first class mail to the owner's personal or business

12 11 mailing address. The late payment penalty and the
12 12 interest shall not accrue if such owner files an
12 13 appeal with either the city, if the city has
12 14 established an appeals procedure, or the district
12 15 court. Any unpaid fee, penalty, or interest shall
12 16 constitute a lien on the real property and may be
12 17 collected in the same manner as a property tax.
12 18 However, before a lien is filed, the city shall send a
12 19 notice of intent to file a lien to the owner of the
12 20 housing by first class mail to such owner's personal
12 21 or business mailing address.

12 22 Sec. _____. Section 384.16, subsection 1, unnumbered
12 23 paragraph 2, Code 2005, is amended to read as follows:

12 24 A budget must show comparisons between the
12 25 estimated expenditures in each program in the
12 26 following year ~~and the actual expenditures in each~~
12 27 ~~program during the two preceding years, the latest~~
12 28 ~~estimated expenditures in each program in the current~~
12 29 ~~year, and the actual expenditures in each program from~~
12 30 ~~the annual report as provided in section 384.22, or as~~
12 31 ~~corrected by a subsequent audit report.~~ Wherever

12 32 practicable, as provided in rules of the committee, a
12 33 budget must show comparisons between the levels of
12 34 service provided by each program as estimated for the
12 35 following year, and actual levels of service provided
12 36 by each program during the two preceding years.

12 37 Sec. _____. Section 384.16, Code 2005, is amended by
12 38 adding the following new subsection:

12 39 NEW SUBSECTION. 7. A city that does not submit a
12 40 budget in compliance with this section shall have all
12 41 state funds withheld until a budget that is in
12 42 compliance with this section is filed with the county
12 43 auditor and subsequently received by the department of
12 44 management. The department of management shall send
12 45 notice to state agencies responsible for disbursement
12 46 of state funds and that notice is sufficient
12 47 authorization for those funds to be withheld until
12 48 later notice is given by the department of management
12 49 to release those funds.>

12 50 ~~#strike>_____~~. Page 20, by inserting after line 34, the
13 1 following:

13 2 <Sec. _____. Section 427.1, subsection 21, Code
13 3 2005, is amended to read as follows:

13 4 21. LOW=RENT HOUSING. The property owned and
13 5 operated or controlled by a nonprofit organization, as
13 6 recognized by the internal revenue service, providing
13 7 low-rent housing for persons who are elderly and
13 8 persons with physical and mental disabilities. The
13 9 exemption granted under the provisions of this
13 10 subsection shall apply only until the ~~terms final~~
13 11 ~~payment due date~~ of the borrower's original low-rent
13 12 housing development mortgage or until the borrower's
13 13 original low-rent housing development mortgage is paid
13 14 in full or expires, whichever is sooner, subject to
13 15 the provisions of subsection 14. However, if the
13 16 borrower's original low-rent housing development
13 17 mortgage is refinanced, the exemption shall apply only
13 18 until the date that would have been the final payment
13 19 due date under the terms of the borrower's original
13 20 low-rent housing development mortgage or until the
13 21 refinanced mortgage is paid in full or expires,
13 22 whichever is sooner, subject to the provisions of
13 23 subsection 14.>

13 24 ~~#strike>_____~~. Page 21, by inserting after line 8, the
13 25 following:

13 26 <Sec. _____. Section 427.1, subsection 30, Code
13 27 2005, is amended to read as follows:

13 28 30. MANUFACTURED HOME COMMUNITY OR MOBILE HOME
13 29 PARK STORM SHELTER. A structure constructed as a
13 30 storm shelter at a manufactured home community or
13 31 mobile home park as defined in section 435.1. An
13 32 application for this exemption shall be filed with the
13 33 assessing authority not later than February 1 of the
13 34 first year for which the exemption is requested, on
13 35 forms provided by the department of revenue. The
13 36 application shall describe and locate the storm
13 37 shelter to be exempted. If the storm shelter
13 38 structure is used exclusively as a storm shelter, all
13 39 of the structure's assessed value shall be exempt from
13 40 taxation. If the storm shelter structure is not used
13 41 exclusively as a storm shelter, the storm shelter

13 42 structure shall be assessed for taxation at ~~seventy=~~
13 43 ~~five fifty~~ percent of its value as commercial
13 44 property.>
13 45 #strike>____. Page 23, by inserting after line 35, the
13 46 following:
13 47 <Sec. _____. Section 602.10110, Code 2005, is
13 48 amended to read as follows:
13 49 602.10110 OATH.
13 50 All persons on being admitted to the bar shall take
14 1 an oath or affirmation, as promulgated by the supreme
14 2 court, declaring to support the Constitutions of the
14 3 United States and of the state of Iowa, and to
14 4 faithfully discharge, according to the best of their
14 5 ability, the duties of an attorney and counselor of
14 6 this state according to the best of their ability.
14 7 Sec. _____. Section 692A.4A, if enacted by 2005 Iowa
14 8 Acts, House File 619, is amended to read as follows:
14 9 692A.4A ELECTRONIC MONITORING.
14 10 A person required to register under this chapter
14 11 who is placed on probation, parole, work release,
14 12 special sentence, or any other type of conditional
14 13 release, may be supervised by an electronic tracking
14 14 and monitoring system in addition to any other
14 15 conditions of supervision. However, if the person
14 16 committed a criminal offense against a minor, or an
14 17 aggravated offense, sexually violent offense, or other
14 18 relevant offense that involved a minor, the person
14 19 shall be supervised for a period of at least five
14 20 years by an electronic tracking and monitoring system
14 21 in addition to any other conditions of release.
14 22 Sec. _____. Section 692A.13A, subsection 1,
14 23 unnumbered paragraph 1, if enacted by 2005 Iowa Acts,
14 24 House File 619, is amended to read as follows:
14 25 The department of corrections, the department of
14 26 human services, and the department of public safety
14 27 shall, in consultation with one another, develop
14 28 methods and procedures for the assessment of the risk
14 29 to reoffend for persons newly required to register
14 30 under this chapter on or after the effective date of
14 31 this division of this Act, who have committed a
14 32 criminal offense against a minor, or an aggravated
14 33 offense, sexually violent offense, or other relevant
14 34 offense that involved a minor. The department of
14 35 corrections, in consultation with the department of
14 36 human services, the department of public safety, and
14 37 the attorney general, shall adopt rules relating to
14 38 assessment procedures. The assessment procedures
14 39 shall include procedures for the sharing of
14 40 information between the department of corrections,
14 41 department of human services, the juvenile court, and
14 42 the division of criminal investigation of the
14 43 department of public safety, as well as the
14 44 communication of the results of the risk assessment to
14 45 criminal and juvenile justice agencies. The
14 46 assignment of responsibility for the assessment of
14 47 risk shall be as follows:
14 48 Sec. _____. Section 602.10112, Code 2005, is
14 49 repealed.>
14 50 #strike>____. Page 24, by inserting before line 1, the
15 1 following:
15 2 <Sec. _____. VEHICLE DEALERSHIP STUDY. The
15 3 legislative council is requested to appoint an interim
15 4 study committee that will study the motor vehicle
15 5 licensing law as it pertains to motor vehicle
15 6 dealerships' moves from one facility and location to
15 7 another facility and location in the state. A report
15 8 should be provided to the general assembly by January
15 9 15, 2006.>
15 10 #2. Page 24, line 18, by striking the word
15 11 <section> and inserting the following: <sections>.
15 12 #3. Page 24, line 19, by inserting after the word
15 13 <Act> the following: <amending section 427.1,15 14 subsection 21, and>.
15 15 #4. Page 24, line 20, by striking the words <a
15 16 property tax exemption> and inserting the following:
15 17 <property tax exemptions>.
15 18 #5. Page 24, by inserting after line 21, the
15 19 following:
15 20 <Sec. _____. RETROACTIVE APPLICABILITY DATE. The
15 21 section of this division of this Act amending section
15 22 423E.5, being deemed of immediate importance, takes

15 23 effect upon enactment and applies retroactively to
15 24 July 1, 2004.

15 25 Sec. _____. EFFECTIVE AND APPLICABILITY DATES. The
15 26 sections of this division of this Act amending section
15 27 427.1, subsection 21, and enacting new subsection 21A
15 28 to section 427.1, being deemed of immediate
15 29 importance, take effect upon enactment and apply
15 30 retroactively to January 1, 2005, for assessment years
15 31 beginning on or after that date.

15 32 Sec. _____. APPLICABILITY. Section 25B.7 does not
15 33 apply to the amendment to section 427.1, subsection
15 34 30, in this division of this Act.>

15 35 ~~Sec. _____. Page 24, by inserting after line 27, the~~
15 36 following:

15 37 <Sec. _____. EFFECTIVE DATE. The sections of this
15 38 division of this Act amending section 602.10110 and
15 39 repealing section 602.10112, being deemed of immediate
15 40 importance, take effect upon enactment.>

15 41 ~~Sec. _____. By striking page 24, line 28, through page~~
15 42 ~~28, line 30.~~

15 43 ~~Sec. _____. By striking page 35, line 25, through page~~
15 44 ~~36, line 25 and inserting the following:~~

15 45 <Sec. _____. COUNTY REAL ESTATE ELECTRONIC
15 46 GOVERNMENT ADVISORY COMMITTEE.

15 47 1. A county real estate electronic government
15 48 advisory committee is created. Staffing services for
15 49 the advisory committee shall be provided by the
15 50 auditor of state. The advisory committee membership
16 1 shall consist of the following:

16 2 a. Two members selected by the Iowa state
16 3 association of county auditors.

16 4 b. Two members selected by the Iowa state county
16 5 treasurers association.

16 6 c. Two members selected by the Iowa county
16 7 recorders association.

16 8 d. Two members selected by the Iowa state
16 9 association of assessors.

16 10 e. One member selected by each of the following
16 11 organizations:

16 12 (1) Iowa state association of counties.
16 13 (2) Iowa land title association.
16 14 (3) Iowa bankers association.
16 15 (4) Iowa credit union league.
16 16 (5) Iowa state bar association.
16 17 (6) Iowa association of realtors.

16 18 2. The county real estate electronic government
16 19 advisory committee shall facilitate discussion to
16 20 integrate the county land record information system
16 21 created pursuant to section 331.605C with the
16 22 electronic government internet applications of county
16 23 treasurers, county recorders, county auditors, and
16 24 county assessors. The advisory committee shall file
16 25 an integration plan with the governor and the general
16 26 assembly on or before November 1, 2005.>

16 27 ~~Sec. _____. By striking page 36, line 34, through page 37,~~
16 28 ~~line 2, and inserting the following: <of the county~~
16 29 ~~land record information system. The Iowa county~~
16 30 ~~recorders>.~~

16 31 ~~Sec. _____. Page 37, by striking line 21, and inserting~~
16 32 ~~the following: <documents in the county land record~~
16 33 ~~information system until authorized by the>.~~

16 34 ~~Sec. _____. Page 37, line 22, by inserting after the word~~
16 35 ~~<assembly> the following: <However, county recorders~~
16 36 ~~may collect actual third-party fees associated with~~
16 37 ~~accepting and processing statutorily authorized fees~~
16 38 ~~including credit card fees, treasury management fees,~~
16 39 ~~and other transaction fees required to enable~~
16 40 ~~electronic payment. For the purposes of this~~
16 41 ~~subsection, the term "third-party" does not include~~
16 42 ~~the county land record information system, the Iowa~~
16 43 ~~state association of counties, or any of the~~
16 44 ~~association's affiliates.>~~

16 45 ~~Sec. _____. Page 37, lines 24 and 25, by striking the~~
16 46 ~~words <and the department of administrative services>.~~

16 47 ~~Sec. _____. Page 37, by inserting after line 33, the~~
16 48 ~~following:~~

16 49 <Sec. _____. DATA SECURITY AUDIT.

16 50 1. The Iowa county recorders association shall
17 1 select a vendor to conduct a data security audit of
17 2 the county land record information system created
17 3 pursuant to section 331.605C. The review and

17 4 assessment utilized in the audit shall include, but
17 5 are not limited to, a review of the functional and
17 6 system requirements, design documentation, software
17 7 code developed to support the business requirements,
17 8 operational procedures, financial flows including a
17 9 financial forecast, requests for proposals, and all
17 10 contracts.

17 11 2. The costs of the data security audit conducted
17 12 pursuant to subsection 1 shall be paid from moneys
17 13 appropriated to the treasurer of state pursuant to
17 14 section 331.605C.

17 15 3. The Iowa county recorders association shall
17 16 forward the complete results of the data security
17 17 audit to the government oversight committees of the
17 18 senate and the house of representatives and the
17 19 general assembly on or before December 1, 2005, and
17 20 the government oversight committees may request
17 21 additional updates.>

17 22 ~~#strike>_____~~. Page 39, by striking lines 26 through 33.
17 23 ~~#strike>_____~~. Page 39, by inserting before line 34 the
17 24 following:

17 25 <Sec. _____. Section 28.3, subsection 6, paragraph
17 26 b, Code 2005, as amended by 2005 Iowa Acts, House File
17 27 761, section 5, if enacted, is amended to read as
17 28 follows:

17 29 b. In addition, a community empowerment office is
17 30 established as a division of the department of
17 31 management to provide a center for facilitation,
17 32 communication, and coordination for community
17 33 empowerment activities and funding and for improvement
17 34 of the early care, education, health, and human
17 35 services systems. Staffing for the community
17 36 empowerment office shall be provided by a facilitator
17 37 or coordinator appointed by the governor, subject to
17 38 confirmation by the senate, and who serves at the
17 39 pleasure of the governor. A deputy and support staff
17 40 may be designated, subject to appropriation made for
17 41 this purpose. The facilitator or coordinator shall
17 42 submit reports to the governor, the Iowa board, and
17 43 the general assembly. The facilitator or coordinator
17 44 shall provide primary staffing to the board,
17 45 coordinate state technical assistance activities and
17 46 implementation of the technical assistance system, and
17 47 other communication and coordination functions to move
17 48 authority and decision-making responsibility from the
17 49 state to communities and individuals.

17 50 Sec. _____. Section 28.4, subsection 14, if enacted
18 1 by 2005 Iowa Acts, House File 761, section 9, is
18 2 amended to read as follows:

18 3 14. With the assistance of the state departments
18 4 represented on the Iowa empowerment board and the
18 5 community empowerment office, develop and implement
18 6 requirements for community empowerment areas and the
18 7 state administrators of programs providing early care
18 8 or early care services to annually report to the
18 9 public and the early care ~~coordinator~~ staff designated
18 10 pursuant to section 28.3 regarding the results
18 11 produced by the community empowerment initiative and
18 12 by the programs. Source data shall also be made
18 13 available to the early care ~~coordinator~~.>

18 14 ~~#strike>_____~~. Page 43, by inserting after line 17, the
18 15 following:

18 16 <_____. Section 135M.6, as enacted by 2005 Iowa
18 17 Acts, House File 724, section 6, is amended to read as
18 18 follows:

18 19 135M.6 SAMPLE PRESCRIPTION DRUGS.

18 20 This chapter shall not be construed to restrict the
18 21 use of samples by a physician or other person legally
18 22 authorized to prescribe drugs ~~pursuant to section~~
18 23 ~~147.107~~ under state and federal law during the course
18 24 of the physician's or other person's duties at a
18 25 medical facility or pharmacy.>

18 26 ~~#strike>_____~~. Page 46, by inserting after line 18, the
18 27 following:

18 28 <Sec. _____. Section 453A.47A, subsection 4, and
18 29 subsection 9, unnumbered paragraph 1, as enacted by
18 30 2005 Iowa Acts, House File 339, section 4, are amended
18 31 to read as follows:

18 32 4. RETAILER == CIGARETTES AND TOBACCO PRODUCTS. A
18 33 retailer, as defined in section 453A.1, who holds a
18 34 permit under division I of this chapter is not

18 35 required to also obtain a ~~retailer~~ retail permit under
18 36 this division. However, if a retailer, as defined in
18 37 section 453A.1, only holds a permit under division I
18 38 of this chapter and that permit is suspended, revoked,
18 39 or expired, the retailer shall not sell any cigarettes
18 40 or tobacco products during the time which the permit
18 41 is suspended, revoked, or expired.

18 42 ~~Retailer~~ Retail permits shall be issued only upon
18 43 applications, accompanied by the fee indicated above,
18 44 made upon forms furnished by the department upon
18 45 written request. The failure to furnish such forms
18 46 shall be no excuse for the failure to file the form
18 47 unless absolute refusal is shown. The forms shall
18 48 specify:

18 49 Sec. _____. Section 483A.8, subsection 5, Code 2005,
18 50 is amended to read as follows:

19 1 5. A nonresident owning land in this state may
19 2 apply for ~~one of the first six thousand~~ a nonresident
19 3 ~~antlered or any sex deer licenses not limited to~~
19 4 ~~antlerless deer hunting license~~, and the provisions of
19 5 subsection 3 shall apply. However, if a nonresident
19 6 owning land in this state is unsuccessful in obtaining
19 7 one of the ~~first six thousand~~ nonresident ~~antlered or~~
19 8 ~~any sex deer hunting~~ licenses, the landowner shall be
19 9 given preference for one of the ~~two thousand five~~
19 10 ~~hundred~~ antlerless ~~deer~~ only nonresident deer ~~hunting~~
19 11 licenses ~~available pursuant to subsection 3~~. A
19 12 nonresident owning land in this state shall pay the
19 13 fee for a nonresident antlerless only deer license and
19 14 the license shall be valid to hunt on the
19 15 nonresident's land only. ~~A nonresident owning land in~~
19 16 ~~this state is eligible for only one nonresident deer~~
19 17 ~~license annually~~. If one or more parcels of land have
19 18 multiple nonresident owners, only one of the
19 19 nonresident owners is eligible for a nonresident
19 20 antlerless only deer license. If a nonresident
19 21 jointly owns land in this state with a resident, the
19 22 nonresident shall not be given preference for a
19 23 nonresident antlerless only deer license. The
19 24 department may require proof of land ownership from a
19 25 nonresident landowner applying for a nonresident
19 26 antlerless only deer license.

19 27 Sec. _____. Section 501A.231, subsection 5, if
19 28 enacted by 2005 Iowa Acts, House File 859, section 17,
19 29 is amended to read as follows:

19 30 5. The secretary of state may provide for the
19 31 change of registered office or registered agent on the
19 32 form prescribed by the secretary of state for the
19 33 biennial report, provided that the form contains the
19 34 information required by section 501A.402. If the
19 35 secretary of state determines that a biennial report
19 36 does not contain the information required by this
19 37 section but otherwise meets the requirements of
19 38 section ~~501.402~~ 501A.402 for the purpose of changing
19 39 the registered office or registered agent, the
19 40 secretary of state shall file the statement of change
19 41 of registered office or registered agent, effective as
19 42 provided in section 501A.203, before returning the
19 43 biennial report to the cooperative as provided in this
19 44 section. A statement of change of registered office
19 45 or agent pursuant to this subsection shall be executed
19 46 by a person authorized to execute the biennial report.

19 47 Sec. _____. Section 501A.1001, subsection 4, if
19 48 enacted by 2005 Iowa Acts, House File 859, section 73,
19 49 is amended to read as follows:

19 50 4. The determinations of the board as to the
20 1 amount or fair value or the fairness to the
20 2 cooperative of the contribution accepted or to be
20 3 accepted by the cooperative or the terms of payment or
20 4 performance, including under a contribution ~~rights~~
20 5 agreement in section 501A.1003, and a contribution
20 6 rights agreement in section 501A.1004, are presumed to
20 7 be proper if they are made in good faith and on the
20 8 basis of accounting methods, or a fair valuation or
20 9 other method, reasonable in the circumstances.
20 10 Directors who are present and entitled to vote, and
20 11 who, intentionally or without reasonable
20 12 investigation, fail to vote against approving a
20 13 consideration that is unfair to the cooperative, or
20 14 overvalue property or services received or to be
20 15 received by the cooperative as a contribution, are

20 16 jointly and severally liable to the cooperative for
20 17 the benefit of the then members who did not consent to
20 18 and are damaged by the action to the extent of the
20 19 damages of those members. A director against whom a
20 20 claim is asserted under this subsection, except in
20 21 case of knowing participation in a deliberate fraud,
20 22 is entitled to contribution on an equitable basis from
20 23 other directors who are liable under this subsection.
20 24 Sec. _____. Section 10B.4, subsection 1, Code 2005,
20 25 as amended by 2005 Iowa Acts, House File 859, section
20 26 102, if enacted, is amended to read as follows:
20 27 1. A biennial report shall be filed by a reporting
20 28 entity with the secretary of state on or before March
20 29 31 of each odd-numbered year as required by rules
20 30 adopted by the secretary of state pursuant to chapter
20 31 17A. However, a reporting entity required to file a
20 32 biennial report pursuant to chapter 490, 490A, 496C,
20 33 497, 498, ~~490A~~, 499, 501, 501A, or 504A shall file the
20 34 report required by this section in the same year as
20 35 required by that chapter. The reporting entity may
20 36 file the report required by this section together with
20 37 the biennial report required to be filed by one of the
20 38 other chapters referred to in this subsection. The
20 39 reports shall be filed on forms prepared and supplied
20 40 by the secretary of state. The secretary of state may
20 41 provide for combining its reporting forms with other
20 42 biennial reporting forms required to be used by the
20 43 reporting entities.
20 44 Sec. _____. 2005 Iowa Acts, House File 859, section
20 45 104, if enacted, is amended by striking the section
20 46 and inserting in lieu thereof the following:
20 47 SEC. 104. Section 15.385, subsection 4, paragraph
20 48 a, Code 2005, is amended to read as follows:
20 49 a. An eligible business may claim a tax credit
20 50 equal to a percentage of the new investment directly
21 1 related to new jobs created by the location or
21 2 expansion of an eligible business under the program.
21 3 The tax credit shall be allowed against taxes imposed
21 4 under chapter 422, division II, III, or V. If the
21 5 business is a partnership, S corporation, limited
21 6 liability company, cooperative organized under chapter
21 7 501 or 501A and filing as a partnership for federal
21 8 tax purposes, or estate or trust electing to have the
21 9 income taxed directly to the individual, an individual
21 10 may claim the tax credit allowed. The amount claimed
21 11 by the individual shall be based upon the pro rata
21 12 share of the individual's earnings of the partnership,
21 13 S corporation, limited liability company, cooperative
21 14 organized under chapter 501 or 501A and filing as a
21 15 partnership for federal tax purposes, or estate or
21 16 trust. The percentage shall be equal to the amount
21 17 provided in paragraph "d". Any tax credit in excess
21 18 of the tax liability for the tax year may be credited
21 19 to the tax liability for the following seven years or
21 20 until depleted, whichever occurs first.
21 21 Subject to prior approval by the department of
21 22 economic development, in consultation with the
21 23 department of revenue, an eligible business whose
21 24 project primarily involves the production of value=
21 25 added agricultural products or uses
21 26 biotechnology-related processes may elect to receive a
21 27 refund of all or a portion of an unused tax credit.
21 28 For purposes of this subsection, such an eligible
21 29 business includes a cooperative described in section
21 30 521 of the Internal Revenue Code which is not required
21 31 to file an Iowa corporate income tax return, and whose
21 32 project primarily involves the production of ethanol.
21 33 The refund may be applied against a tax liability
21 34 imposed under chapter 422, division II, III, or V. If
21 35 the business is a partnership, S corporation, limited
21 36 liability company, cooperative organized under chapter
21 37 501 or 501A and filing as a partnership for federal
21 38 tax purposes, or estate or trust electing to have the
21 39 income taxed directly to the individual, an individual
21 40 may claim the tax credit allowed. The amount claimed
21 41 by the individual shall be based upon the pro rata
21 42 share of the individual's earnings of the partnership,
21 43 S corporation, limited liability company, cooperative
21 44 organized under chapter 501 or 501A and filing as a
21 45 partnership for federal tax purposes, or estate or
21 46 trust.>

21 47 ~~#strike>~~____. Page 48, by inserting after line 23 the
21 48 following:
21 49 <Sec. _____. Section 805.8C, subsection 6, as
21 50 amended by 2005 Iowa Acts, Senate File 169, section 9,
22 1 is amended to read as follows:
22 2 6. PSEUDOEPHEDRINE SALES VIOLATIONS. For
22 3 violations of section 126.23A, subsection 1, by an
22 4 employee of a retailer, or for violations of section
22 5 126.23A, subsection 2, paragraph "a", by a purchaser,
22 6 the scheduled fine is as follows:
22 7 a. If the violation is a first offense, the
22 8 scheduled fine is one hundred dollars.
22 9 b. If the violation is a second offense, the
22 10 scheduled fine is two hundred fifty dollars.
22 11 c. If the violation is a third or subsequent
22 12 offense, the scheduled fine is five hundred dollars.>
22 13 ~~#strike>~~____. Page 48, by inserting after line 23, the
22 14 following:
22 15 <Sec. _____. 2005 Iowa Acts, House File 739, section
22 16 7, if enacted, is amended to read as follows:
22 17 SEC. 7. CONTINGENT EFFECTIVENESS. The sections of
22 18 this Act ~~creating, amending Code chapter 280A or~~
22 19 ~~enacting new sections in~~ Code chapter 280A take effect
22 20 only if the general assembly appropriates funds for
22 21 the fiscal year beginning July 1, 2005, in an amount
22 22 sufficient to implement the provisions of Code chapter
22 23 280A, if enacted.
22 24 Sec. _____. 2005 Iowa Acts, House File 839, is
22 25 amended by adding the following new section:
22 26 SEC. _____. EFFECTIVE DATE. This Act, being deemed
22 27 of immediate importance, takes effect upon enactment
22 28 of 2005 Iowa Acts, House File 882.>
22 29 ~~#strike>~~____. Page 48, by inserting after line 26 the
22 30 following:
22 31 <DIVISION ____
22 32 STATE LIQUOR ACTIVITIES
22 33 Sec. _____. Section 123.53, subsection 3, Code 2005,
22 34 is amended to read as follows:
22 35 3. The treasurer of state shall transfer into a
22 36 special revenue account in the general fund of the
22 37 state, a sum of money at least equal to seven percent
22 38 of the gross amount of sales made by the division from
22 39 the beer and liquor control fund on a monthly basis
22 40 but not less than nine million dollars annually, ~~and~~
22 41 ~~any amounts so.~~ Of the amounts transferred, two
22 42 million dollars, plus an additional amount determined
22 43 by the general assembly, shall be used by appropriated
22 44 to the substance abuse division of the Iowa department
22 45 of public health to be used for substance abuse
22 46 treatment and prevention programs in an amount
22 47 ~~determined by the general assembly and any.~~ Any
22 48 amounts received in excess of the amounts appropriated
22 49 to the substance abuse division of the Iowa department
22 50 of public health shall be considered part of the
23 1 general fund balance.
23 2 Sec. _____. ALCOHOLIC BEVERAGES DIVISION == STATE
23 3 LIQUOR WAREHOUSE AND TRUCKING FUNCTIONS. The
23 4 department of administrative services shall issue a
23 5 request for proposals developed with the alcoholic
23 6 beverages division of the department of commerce or
23 7 otherwise utilize a competitive process not
23 8 inconsistent with the division's current charter
23 9 agency agreement to select a provider to perform the
23 10 state liquor warehouse and trucking functions. The
23 11 request for proposals or competitive process shall be
23 12 issued or commenced as soon as is reasonably possible
23 13 and a provider shall be selected no later than
23 14 December 31, 2005. The division may submit a bid in
23 15 response to a request for proposals issued or
23 16 competitive process conducted pursuant to this
23 17 section. If the division submits a bid, the division
23 18 shall include in the bid the cost of labor to perform
23 19 the contract which shall be calculated by using the
23 20 cost of hiring full-time equivalent positions to
23 21 perform the contract pursuant to state pay grade
23 22 classifications and benefits as outlined in the most
23 23 recent collective bargaining agreement applicable to
23 24 other employees of the division. Notwithstanding any
23 25 provision of chapter 22 to the contrary, the
23 26 division's bid and any documents the division uses in
23 27 developing its bid shall be considered a confidential

23 28 record until the department of administrative services
23 29 announces the results of the request for proposals or
23 30 competitive process.
23 31 Sec. _____. EFFECTIVE DATE. The section of this
23 32 division of this Act amending section 123.53 takes
23 33 effect July 1, 2006.

23 34 DIVISION ____
23 35 BOARD OF REGENTS

23 36 Sec. _____. Section 12B.10C, Code 2005, is amended
23 37 by adding the following new subsection:

23 38 NEW SUBSECTION. 10. The state board of regents
23 39 governed by chapter 262.

23 40 Sec. _____. Section 73A.1, subsection 2, Code 2005,
23 41 is amended to read as follows:

23 42 2. "Municipality" as used in this chapter means
23 43 township, school corporation, and state fair board,
~~23 44 and state board of regents.~~

23 45 Sec. _____. Section 262.9, subsection 7, Code 2005,
23 46 is amended to read as follows:

~~23 47 7. With the approval of the executive council,~~
~~23 48 acquire~~ Acquire real estate for the proper uses of
23 49 ~~said~~ institutions under its control, and dispose of
23 50 real estate belonging to ~~said~~ the institutions when
24 1 not necessary for their purposes. ~~A~~ The disposal of
24 2 ~~such~~ real estate shall be made upon such terms,
24 3 conditions, and consideration as the board may
24 4 recommend ~~and subject to the approval of the executive~~

~~24 5 council.~~ If real estate subject to sale ~~hereunder~~ has
24 6 been purchased or acquired from appropriated funds,
24 7 the proceeds of such sale shall be deposited with the
24 8 treasurer of state and credited to the general fund of
24 9 the state. There is hereby appropriated from the
24 10 general fund of the state a sum equal to the proceeds
24 11 so deposited and credited to the general fund of the
24 12 state to the state board of regents, ~~which, with the~~
~~24 13 prior approval of the executive council,~~ may be used
24 14 to purchase other real estate and buildings, and for
24 15 the construction and alteration of buildings and other
24 16 capital improvements. All transfers shall be by state
24 17 patent in the manner provided by law. The board is
~~24 18 also authorized to grant easements for rights-of-way~~
~~24 19 over, across, and under the surface of public lands~~
~~24 20 under its jurisdiction when in the board's judgment~~
~~24 21 such easements are desirable and will benefit the~~
~~24 22 state of Iowa.~~

24 23 Sec. _____. Section 262.9, subsection 15, unnumbered
24 24 paragraph 2, Code 2005, is amended by striking the
24 25 unnumbered paragraph.

24 26 Sec. _____. Section 262.10, unnumbered paragraph 1,
24 27 Code 2005, is amended to read as follows:

24 28 No sale or purchase of real estate shall be made
24 29 save upon the order of the board, made at a regular
24 30 meeting, or one called for that purpose, and then in
24 31 such manner and under such terms as the board may
24 32 prescribe ~~and only with the approval of the executive~~

~~24 33 council.~~ No member of the board or any of its
24 34 committees, offices or agencies nor any officer of any
24 35 institution, shall be directly or indirectly
24 36 interested in such purchase or sale.

24 37 Sec. _____. Section 262.33A, Code 2005, is amended
24 38 to read as follows:
24 39 262.33A FIRE AND ENVIRONMENTAL SAFETY == REPORT ==
24 40 EXPENDITURES.

24 41 It is the intent of the general assembly that each
24 42 institution of higher education under the control of
24 43 the state board of regents shall, in consultation with
24 44 the state fire marshal, identify and correct all
24 45 critical fire and environmental safety deficiencies.

~~24 46 The state fire marshal shall report annually to the~~
~~24 47 joint subcommittee on education appropriations. The~~
~~24 48 report shall include, but is not limited to, the~~
~~24 49 identified deficiencies in fire and environmental~~
~~24 50 safety at the institutions, and plans for correction~~
~~25 1 of the deficiencies and for compliance with this~~
~~25 2 section.~~ Commencing July 1, 1993, each institution

25 3 under the control of the state board of regents shall
25 4 expend annually for fire safety and deferred
25 5 maintenance at least the amount budgeted for these
25 6 purposes for the fiscal year beginning July 1, 1992,
25 7 in addition to any moneys appropriated from the
25 8 general fund for these purposes in succeeding years.

25 9 Sec. _____. Section 262.34, Code 2005, is amended to
25 10 read as follows:

25 11 262.34 IMPROVEMENTS == ADVERTISEMENT FOR BIDS ==
25 12 DISCLOSURES == PAYMENTS.

25 13 1. When the estimated cost of construction,
25 14 repairs, or improvement of buildings or grounds under
25 15 charge of the state board of regents exceeds ~~twenty=~~
~~25 16 five one hundred~~ thousand dollars, the board shall
25 17 advertise for bids for the contemplated improvement or
25 18 construction and shall let the work to the lowest
25 19 responsible bidder. However, if in the judgment of
25 20 the board bids received are not acceptable, the board
25 21 may reject all bids and proceed with the construction,
25 22 repair, or improvement by a method as the board may
25 23 determine. All plans and specifications for repairs
25 24 or construction, together with bids on the plans or
25 25 specifications, shall be filed by the board and be
25 26 open for public inspection. All bids submitted under
25 27 this section shall be accompanied by a deposit of
25 28 money, a certified check, or a credit union certified
25 29 share draft in an amount as the board may prescribe.

25 30 2. A bidder awarded a contract shall disclose the
25 31 names of all subcontractors, who will work on the
25 32 project being bid, within forty-eight hours after the
25 33 award of the contract. If a subcontractor named by a
25 34 bidder awarded a contract is replaced, or if the cost
25 35 of work to be done by a subcontractor is reduced, the
25 36 bidder shall disclose the name of the new
25 37 subcontractor or the amount of the reduced cost.

25 38 3. Payments made by the board for the construction
25 39 of public improvements shall be made in accordance
25 40 with the provisions of chapter 573 except that:

25 41 a. Payments may be made without retention until
25 42 ninety-five percent of the contract amount has been
25 43 paid. The remaining five percent of the contract
25 44 amount shall be paid as provided in section 573.14,
25 45 except that:

25 46 (1) At any time after all or any part of the work
25 47 is substantially completed in accordance with
25 48 paragraph "c", the contractor may request the release
25 49 of all or part of the retainage owed. Such request
25 50 shall be accompanied by a waiver of claim rights under
26 1 the provisions of chapter 573 from any person, firm,
26 2 or corporation who has, under contract with the
26 3 principal contractor or with subcontractors performed
26 4 labor, or furnished materials, service, or
26 5 transportation in the construction of that portion of
26 6 the work for which release of the retainage is
26 7 requested.

26 8 (2) Upon receipt of the request, the board shall
26 9 release all or part of the unpaid funds. Retainage
26 10 that is approved as payable shall be paid at the time
26 11 of the next monthly payment or within thirty days,
26 12 whichever is sooner. If partial retainage is released
26 13 pursuant to a contractor's request, no retainage shall
26 14 be subsequently held based on that portion of the
26 15 work. If within thirty days of when payment becomes
26 16 due the board does not release the retainage due,
26 17 interest shall accrue on the retainage amount due as
26 18 provided in section 573.14 until that amount is paid.

26 19 (3) If at the time of the request for the
26 20 retainage there are remaining or incomplete minor
26 21 items, an amount equal to two hundred percent of the
26 22 value of each remaining or incomplete item, as
26 23 determined by the board's authorized contract
26 24 representative, may be withheld until such item or
26 25 items are completed.

26 26 (4) An itemization of the remaining or incomplete
26 27 items, or the reason that the request for release of
26 28 the retainage was denied, shall be provided to the
26 29 contractor in writing within thirty calendar days of
26 30 the receipt of the request for release of retainage.

26 31 b. For purposes of this section, "authorized
26 32 contract representative" means the architect or
26 33 engineer who is in charge of the project and chosen by
26 34 the board to represent its interests, or if there is
26 35 no architect or engineer, then such other contract
26 36 representative or officer as designated in the
26 37 contract documents as the party representing the
26 38 board's interest regarding administration and
26 39 oversight of the project.

26 40 c. For purposes of this section, "substantially
26 41 completed" means the first date on which any of the
26 42 following occurs:

26 43 (1) Completion of the project or when the work has
26 44 been substantially completed in general accordance
26 45 with the terms and provisions of the contract.

26 46 (2) The work or the portion designated is
26 47 sufficiently complete in accordance with the
26 48 requirements of the contract so the board can occupy
26 49 or utilize the work for its intended purpose.

26 50 (3) The project is certified as having been
27 1 substantially completed by either of the following:

27 2 (a) The architect or engineer authorized to make
27 3 such certification.

27 4 (b) The contracting authority representing the
27 5 board.

27 6 4. Each contractor or subcontractor shall withhold
27 7 retainage, if at all, in the same manner as retainage
27 8 is withheld from the contractor or subcontractor; and
27 9 each subcontractor shall pass through all retainage
27 10 payments to lower tier subcontractors in accordance
27 11 with the provisions of chapter 573.

27 12 Sec. _____. Section 262.57, unnumbered paragraph 1,
27 13 Code 2005, is amended to read as follows:

27 14 To pay all or any part of the cost of carrying out
27 15 any project at any institution the board is authorized
27 16 to borrow money and to issue and sell negotiable bonds
27 17 or notes and to refund and refinance bonds or notes
27 18 heretofore issued or as may be hereafter issued for
27 19 any project or for refunding purposes at a lower rate,
27 20 the same rate or a higher rate or rates of interest
27 21 and from time to time as often as the board shall find
27 22 it to be advisable and necessary so to do. Such bonds
27 23 or notes may be sold by said board at public sale in
27 24 the manner prescribed by chapter 75 but if the board
27 25 shall find it to be advantageous and in the public
27 26 interest to do so, such bonds or notes may be sold by
27 27 the board at private sale without published notice of
27 28 any kind and without regard to the requirements of
27 29 chapter 75 in such manner and upon such terms as may
27 30 be prescribed by the resolution authorizing the same;
~~27 31 but such bonds or notes shall in any event be sold~~
~~27 32 upon terms of not less than par plus accrued interest.~~

27 33 Bonds or notes issued to refund other bonds or notes
27 34 heretofore or hereafter issued by the board for
27 35 residence hall or dormitory purposes at any
27 36 institution, including dining or other facilities and
27 37 additions, or heretofore or hereafter issued for
27 38 refunding purposes, may either be sold in the manner
27 39 hereinbefore specified and the proceeds thereof
27 40 applied to the payment of the obligations being
27 41 refunded, or the refunding bonds or notes may be
27 42 exchanged for and in payment and discharge of the
27 43 obligations being refunded, and a finding by the board
27 44 in the resolution authorizing the issuance of such
27 45 refunding bonds or notes that the bonds or notes being
27 46 refunded were issued for a purpose specified in this
27 47 division and constitute binding obligations of the
27 48 board shall be conclusive and may be relied upon by
27 49 any holder of any refunding bond or note issued under
27 50 the provisions of this division. The refunding bonds
28 1 or notes may be sold or exchanged in installments at
28 2 different times or an entire issue or series may be
28 3 sold or exchanged at one time. Any issue or series of
28 4 refunding bonds or notes may be exchanged in part or
28 5 sold in parts in installments at different times or at
28 6 one time. The refunding bonds or notes may be sold or
28 7 exchanged at any time on, before, or after the
28 8 maturity of any of the outstanding notes, bonds or
28 9 other obligations to be refinanced thereby and may be
28 10 issued for the purpose of refunding a like or greater
28 11 principal amount of bonds or notes, except that the
28 12 principal amount of the refunding bonds or notes may
28 13 exceed the principal amount of the bonds or notes to
28 14 be refunded to the extent necessary to pay any premium
28 15 due on the call of the bonds or notes to be refunded
28 16 or to fund interest in arrears or about to become due.

28 17 Sec. _____. Section 262.78, subsection 6, Code 2005,
28 18 is amended by striking the subsection.

28 19 Sec. _____. Section 262A.5, unnumbered paragraph 1,
28 20 Code 2005, is amended to read as follows:

28 21 The board is authorized to borrow money under this
28 22 chapter, and the board may issue and sell negotiable
28 23 bonds to pay all or any part of the cost of carrying
28 24 out any project at any institution and may refund and
28 25 refinance bonds issued for any project or for
28 26 refunding purposes at the same rate or at a higher or
28 27 lower rate or rates of interest. Bonds issued under
28 28 the provisions of this chapter shall be sold by said
28 29 board at public sale on the basis of sealed proposals
28 30 received pursuant to a notice specifying the time and
28 31 place of sale and the amount of bonds to be sold which
28 32 shall be published at least once not less than seven
28 33 days prior to the date of sale in a newspaper
28 34 published in the state of Iowa and having a general
28 35 circulation in said state. The provisions of chapter
28 36 75 shall ~~not~~ apply to bonds issued under authority
28 37 contained in this chapter, ~~but such bonds shall be~~
~~28 38 sold upon terms of not less than par plus accrued~~
~~28 39 interest to the extent not in conflict with this~~
28 40 chapter. Bonds issued to refund other bonds issued
28 41 under the provisions of this chapter may either be
28 42 sold in the manner hereinbefore specified and the
28 43 proceeds thereof applied to the payment of the
28 44 obligations being refunded, or the refunding bonds may
28 45 be exchanged for and in payment and discharge of the
28 46 obligations being refunded. The refunding bonds may
28 47 be sold or exchanged in installments at different
28 48 times or an entire issue or series may be sold or
28 49 exchanged at one time. Any issue or series of
28 50 refunding bonds may be exchanged in part or sold in
29 1 parts in installments at different times or at one
29 2 time. The refunding bonds may be sold or exchanged at
29 3 any time on, before, or after the maturity of any of
29 4 the outstanding bonds or other obligations to be
29 5 refinanced thereby and may be issued for the purpose
29 6 of refunding a like or greater principal amount of
29 7 bonds, except that the principal amount of the
29 8 refunding bonds may exceed the principal amount of the
29 9 bonds to be refunded to the extent necessary to pay
29 10 any premium due on the call of the bonds to be
29 11 refunded or to fund interest in arrears or which is to
29 12 become due.

29 13 Sec. _____. Section 266.39F, subsection 2,
29 14 unnumbered paragraph 2, Code 2005, is amended to read
29 15 as follows:

29 16 The provisions of section 262.9, subsection 7, ~~and~~
~~29 17 section 262.10,~~ shall not apply to the sale of any
29 18 portion of land to be sold in accordance with this
29 19 section or to the use of the proceeds from the sale of
29 20 the land.

29 21 Sec. _____. Section 573.12, subsection 1, unnumbered
29 22 paragraph 1, Code 2005, is amended to read as follows:

29 23 Payments made under contracts for the construction
29 24 of public improvements, unless provided otherwise by
29 25 law, shall be made on the basis of monthly estimates
29 26 of labor performed and material delivered, as
29 27 determined by the project architect or engineer. The
29 28 public corporation shall retain from each monthly
29 29 payment not more than five percent of that amount
29 30 which is determined to be due according to the
29 31 estimate of the architect or engineer. ~~However,~~
~~29 32 institutions governed pursuant to chapter 262 may, on~~
~~29 33 contracts where a bond is required under section~~
~~29 34 573.2, make payments under this section without~~
~~29 35 retention until ninety-five percent of the contract~~
~~29 36 amount has been paid and the remaining five percent of~~
~~29 37 the contract amount shall be paid as provided under~~
~~29 38 section 573.14.~~

29 39 Sec. _____. Section 573.14, unnumbered paragraph 2,
29 40 Code 2005, is amended to read as follows:

29 41 The public corporation shall order payment of any
29 42 amount due the contractor to be made in accordance
29 43 with the terms of the contract. Except as provided in
29 44 section 573.12 for progress payments, failure to make
29 45 payment pursuant to this section, of any amount due
29 46 the contractor, within forty days, unless a greater
29 47 time period not to exceed fifty days is specified in
29 48 the contract documents, after the work under the
29 49 contract has been completed and if the work has been
29 50 accepted and all required materials, certifications,
30 1 and other documentations required to be submitted by

30 2 the contractor and specified by the contract have been
30 3 furnished the awarding public corporation by the
30 4 contractor, shall cause interest to accrue on the
30 5 amount unpaid to the benefit of the unpaid party.
30 6 Interest shall accrue during the period commencing the
30 7 thirty-first day following the completion of work and
30 8 satisfaction of the other requirements of this
30 9 paragraph and ending on the date of payment. The rate
30 10 of interest shall be determined by the period of time
30 11 during which interest accrues, and shall be the same
30 12 as the rate of interest that is in effect under
30 13 section 12C.6, as of the day interest begins to
30 14 accrue, for a deposit of public funds for a comparable
30 15 period of time. However, for institutions governed
30 16 pursuant to chapter 262, the rate of interest shall be
30 17 determined by the period of time during which interest
30 18 accrues, and shall be calculated as the prime rate
30 19 plus one percent per year as of the day interest
30 20 begins to accrue. This paragraph does not abridge any
30 21 of the rights set forth in section 573.16. Except as
30 22 provided in sections 573.12 and 573.16, interest shall
30 23 not accrue on funds retained by the public corporation
30 24 to satisfy the provisions of this section regarding
30 25 claims on file. This chapter does not apply if the
30 26 public corporation has entered into a contract with
30 27 the federal government or accepted a federal grant
30 28 which is governed by federal law or rules that are
30 29 contrary to the provisions of this chapter. For
30 30 purposes of this unnumbered paragraph, "prime rate"
30 31 means the prime rate charged by banks on short-term
30 32 business loans, as determined by the board of
30 33 governors of the federal reserve system and published
30 34 in the federal reserve bulletin.
30 35 Sec. _____. Sections 262.64A, 262.67, 262A.3,
30 36 262A.6A, 263A.11, 265.6, and 473.12, Code 2005, are
30 37 repealed.

30 38 DIVISION ____

30 39 ENTREPRENEURS WITH DISABILITIES

30 40 Sec. _____. ENTREPRENEURS WITH DISABILITIES PROGRAM
30 41 == TRANSFER OF ADMINISTRATION. The department of
30 42 economic development shall transfer the administrative
30 43 duties of the entrepreneurs with disabilities program
30 44 to the Iowa finance authority. The authority shall
30 45 adopt rules pursuant to chapter 17A for purposes of
30 46 administering the program. Any contract entered into
30 47 under the program by the department of economic
30 48 development remains valid. The transfer of
30 49 administrative duties to the authority shall not
30 50 constitute grounds for rescission or modification of a
31 1 contract under the program entered into with the
31 2 department.

31 3 Sec. _____. ENTREPRENEURS WITH DISABILITIES PROGRAM
31 4 == APPROPRIATION. For the fiscal year beginning July
31 5 1, 2005, and ending June 30, 2006, there is
31 6 appropriated from the general fund of the state to the
31 7 Iowa finance authority two hundred thousand dollars
31 8 for purposes of the entrepreneurs with disabilities
31 9 program.>

31 10 ~~#strike>~~_____. Page 48, by inserting after line 26, the
31 11 following:

31 12 <DIVISION ____

31 13 WIND ENERGY PRODUCTION TAX CREDIT

31 14 Sec. _____. Section 476B.1, subsection 4, paragraph
31 15 c, Code 2005, is amended to read as follows:

31 16 c. Was originally placed in service on or after
31 17 July 1, ~~2004~~ 2005, but before July 1, ~~2007~~ 2008.

31 18 Sec. _____. Section 476B.3, Code 2005, is amended to
31 19 read as follows:

31 20 476B.3 CREDIT AMOUNT.

31 21 ~~1. Except as limited by subsection 2, the The wind~~
31 22 ~~energy production tax credit allowed under this~~
31 23 ~~chapter equals the product of one cent multiplied by~~
31 24 ~~the number of kilowatt-hours of qualified electricity~~
31 25 ~~sold by the owner during the taxable year.~~

31 26 ~~2. a. The maximum amount of tax credit which a~~
~~31 27 group of qualified facilities operating as one unit~~
~~31 28 may receive for a taxable year equals the rate of~~
~~31 29 credit times thirty-two percent of the total number of~~
~~31 30 kilowatts of nameplate generating capacity.~~

31 31 ~~b. However, if for the previous taxable year the~~
~~31 32 amount of the tax credit for the group of qualified~~

~~31 33 facilities operating as one unit is less than the~~
~~31 34 maximum amount available as provided in paragraph "a",~~
~~31 35 the maximum amount for the next taxable year shall be~~
~~31 36 increased by the amount of the previous year's unused~~
~~31 37 maximum credit.~~

31 38 Sec. _____. Section 476B.4, subsection 1, paragraph
31 39 b, Code 2005, is amended by striking the paragraph.
31 40 Sec. _____. Section 476B.5, Code 2005, is amended by
31 41 striking the section and inserting in lieu thereof the
31 42 following:

31 43 476B.5 DETERMINATION OF ELIGIBILITY.

31 44 1. An owner may apply to the board for a written
31 45 determination regarding whether a facility is a
31 46 qualified facility by submitting to the board a
31 47 written application containing all of the following:

31 48 a. Information regarding the ownership of the
31 49 facility including the percentage of equity interest
31 50 held by each owner.

32 1 b. The nameplate generating capacity of the
32 2 facility.

32 3 c. Information regarding the facility's initial
32 4 placement in service.

32 5 d. Information regarding the type of facility.

32 6 e. A copy of an executed power purchase agreement
32 7 or other agreement to purchase electricity upon
32 8 completion of the project.

32 9 f. Any other information the board may require.

32 10 2. The board shall review the application and
32 11 supporting information and shall make a preliminary
32 12 determination regarding whether the facility is a
32 13 qualified facility. The board shall notify the
32 14 applicant of the approval or denial of the application
32 15 within thirty days of receipt of the application and
32 16 information required. If the board fails to notify
32 17 the applicant of the approval or denial within thirty
32 18 days, the application shall be deemed denied. An
32 19 applicant who receives a determination denying an
32 20 application may file an appeal with the board within
32 21 thirty days from the date of the denial pursuant to
32 22 the provisions of chapter 17A. In the absence of a
32 23 timely appeal, the preliminary determination shall be
32 24 final. If the application is incomplete, the board
32 25 may grant an extension of time for the provision of
32 26 additional information.

32 27 3. A facility that is not operational within
32 28 eighteen months after issuance of an approval for the
32 29 facility by the board shall cease to be a qualified
32 30 facility. A facility that is granted and thereafter
32 31 loses approval may reapply to the board for a new
32 32 determination.

32 33 4. The maximum amount of nameplate generating
32 34 capacity of all qualified facilities the board may
32 35 find eligible under this chapter shall not exceed four
32 36 hundred fifty megawatts of nameplate generating
32 37 capacity.

32 38 5. An owner shall not be an owner of more than two
32 39 qualified facilities.

32 40 Sec. _____. Section 476B.6, Code 2005, is amended by
32 41 striking the section and inserting in lieu thereof the
32 42 following:

32 43 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.

32 44 1. a. To be eligible to receive the wind energy
32 45 production tax credit, the owner must first receive
32 46 approval of the board of supervisors of the county in
32 47 which the qualified facility is located. The
32 48 application for approval may be submitted prior to
32 49 commencement of the construction of the qualified
32 50 facility but shall be submitted no later than the
33 1 close of the owner's first taxable year for which the
33 2 credit is to be applied for. The application must
33 3 contain the owner's name and address, the address of
33 4 the qualified facility, and the dates of the owner's
33 5 first and last taxable years for which the credit will
33 6 be applied for. Within forty-five days of the receipt
33 7 of the application for approval, the board of
33 8 supervisors shall either approve or disapprove the
33 9 application. After the forty-five-day limit, the
33 10 application is deemed to be approved.

33 11 b. Upon approval of the application, the owner may
33 12 apply for the tax credit as provided in subsection 2.
33 13 In addition, approval of the application is acceptance

33 14 by the applicant for the assessment of the qualified
33 15 facility for property tax purposes for a period of
33 16 twelve years and approval by the board of supervisors
33 17 for the payment of the property taxes levied on the
33 18 qualified property to the state. For purposes of
33 19 property taxation, the qualified facility shall be
33 20 centrally assessed and shall be exempt from any
33 21 replacement tax under section 437A.6 for the period
33 22 during which the facility is subject to property
33 23 taxation. The property taxes to be paid to the state
33 24 are those property taxes which make up the
33 25 consolidated tax levied on the qualified facility and
33 26 which are due and payable in the twelve-year period
33 27 beginning with the first fiscal year beginning on or
33 28 after the end of the owner's first taxable year for
33 29 which the credit is applied for. Upon approval of the
33 30 application, the board of supervisors shall notify the
33 31 county treasurer to state on the tax statement which
33 32 lists the taxes on the qualified facility that the
33 33 amount of the property taxes shall be paid to the
33 34 department. Payment of the designated property taxes
33 35 to the department shall be in the same manner as
33 36 required for the payment of regular property taxes and
33 37 failure to pay designated property taxes to the
33 38 department shall be treated the same as failure to pay
33 39 property taxes to the county treasurer.

33 40 c. Once the owner of the qualified facility
33 41 receives approval under paragraph "a", subsequent
33 42 approval under paragraph "a" is not required for the
33 43 same qualified facility for subsequent taxable years.

33 44 2. An owner of a qualified facility may apply to
33 45 the board for the wind energy production tax credit by
33 46 submitting to the board all of the following:

33 47 a. A completed application in a form prescribed by
33 48 the board.

33 49 b. A copy of the determination granting approval
33 50 of the facility as a qualified facility by the board.

34 1 c. A copy of a signed power purchase agreement or
34 2 other agreement to purchase electricity.

34 3 d. Sufficient documentation that the electricity
34 4 has been generated by the qualified facility and sold
34 5 to a purchaser.

34 6 e. Any other information the board deems
34 7 necessary.

34 8 3. The board shall notify the department of the
34 9 amount of kilowatt-hours generated and purchased from
34 10 a qualified facility. The department shall calculate
34 11 the amount of the tax credit for which the applicant
34 12 is eligible and shall issue the tax credit certificate
34 13 for that amount or notify the applicant in writing of
34 14 its refusal to do so. An applicant whose application
34 15 is denied may file an appeal with the department
34 16 within sixty days from the date of the denial pursuant
34 17 to the provisions of chapter 17A.

34 18 4. Each tax credit certificate shall contain the
34 19 owner's name, address, and tax identification number,
34 20 the amount of tax credits, the first taxable year the
34 21 certificate may be used, the type of tax to which the
34 22 tax credits shall be applied, and any other
34 23 information required by the department. The tax
34 24 credit certificate shall only list one type of tax to
34 25 which the amount of the tax credit may be applied.
34 26 Once issued by the department, the tax credit
34 27 certificate shall not be terminated or rescinded.

34 28 5. If the tax credit application is filed by a
34 29 partnership, limited liability company, S corporation,
34 30 estate, trust, or other reporting entity all of the
34 31 income of which is taxed directly to its equity
34 32 holders or beneficiaries, for the taxes imposed under
34 33 chapter 422, division II or III, the tax credit
34 34 certificate shall be issued directly to equity holders
34 35 or beneficiaries of the applicant in proportion to
34 36 their pro rata share of the income of such entity.
34 37 The applicant shall, in the application made under
34 38 this section, identify its equity holders or
34 39 beneficiaries, and the percentage of such entity's
34 40 income that is allocable to each equity holder or
34 41 beneficiary. If the tax credit application is filed
34 42 by a partnership, limited liability company, S
34 43 corporation, estate, trust, or other reporting entity,
34 44 all of whose income is taxed directly to its equity

34 45 holders or beneficiaries for the taxes imposed under
34 46 chapter 422, division V, or under chapter 432, the tax
34 47 credit certificate shall be issued directly to the
34 48 partnership, limited liability company, S corporation,
34 49 estate, trust, or other reporting entity.
34 50 6. The department shall not issue a tax credit
35 1 certificate if the facility approved by the board as a
35 2 qualified facility is not operational within eighteen
35 3 months after the approval is issued.
35 4 7. Once a tax credit certificate is issued
35 5 pursuant to this section, the tax credit may only be
35 6 claimed against the type of tax reflected on the
35 7 certificate.
35 8 8. A tax credit certificate shall not be used or
35 9 attached to a return filed for a taxable year
35 10 beginning prior to July 1, 2006.
35 11 Sec. _____. Section 476B.7, unnumbered paragraph 1,
35 12 Code 2005, is amended to read as follows:
35 13 Wind energy production tax credit certificates
35 14 issued under this chapter may be transferred to any
35 15 person or entity. Within thirty days of transfer, the
35 16 transferee must submit the transferred tax credit
35 17 certificate to the ~~board~~ department along with a
35 18 statement containing the transferee's name, tax
35 19 identification number, and address, and the
35 20 denomination that each replacement tax credit
35 21 certificate is to carry and any other information
35 22 required by the department. Within thirty days of
35 23 receiving the transferred tax credit certificate and
35 24 the transferee's statement, the ~~board~~ department shall
35 25 issue one or more replacement tax credit certificates
35 26 to the transferee. Each replacement certificate must
35 27 contain the information required under section 476B.6
35 28 and must have the same effective taxable year and the
35 29 same expiration date that appeared in the transferred
35 30 tax credit certificate. Tax credit certificate
35 31 amounts of less than the minimum amount established by
35 32 rule of the board shall not be transferable. A tax
35 33 credit shall not be claimed by a transferee under this
35 34 chapter until a replacement tax credit certificate
35 35 identifying the transferee as the proper holder has
35 36 been issued.
35 37 Sec. _____. Section 476B.8, Code 2005, is amended to
35 38 read as follows:
35 39 476B.8 USE OF TAX CREDIT CERTIFICATES.
35 40 To claim a wind energy production tax credit under
35 41 this chapter, a taxpayer must attach one or more tax
35 42 credit certificates to the taxpayer's tax return. A
35 43 tax credit certificate shall not be used or attached
35 44 to a return filed for a taxable year beginning prior
35 45 to July 1, ~~2005~~ 2006. The tax credit certificate or
35 46 certificates attached to the taxpayer's tax return
35 47 shall be issued in the taxpayer's name, expire on or
35 48 after the last day of the taxable year for which the
35 49 taxpayer is claiming the tax credit, and show a tax
35 50 credit amount equal to or greater than the tax credit
36 1 claimed on the taxpayer's tax return. Any tax credit
36 2 in excess of the taxpayer's tax liability for the
36 3 taxable year may be credited to the taxpayer's tax
36 4 liability for the following seven taxable years or
36 5 until depleted, whichever is the earlier.
36 6 Sec. _____. Section 476B.9, Code 2005, is amended to
36 7 read as follows:
36 8 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.
36 9 ~~The board shall, in conjunction with the~~
36 10 ~~department, shall~~ develop a system for the
36 11 registration of the wind energy production tax credit
36 12 certificates issued or transferred under this chapter
36 13 and a system that permits verification that any tax
36 14 credit claimed on a tax return is valid and that
36 15 transfers of the tax credit certificates are made in
36 16 accordance with the requirements of this chapter. The
36 17 tax credit certificates issued under this chapter
36 18 shall not be classified as a security pursuant to
36 19 chapter 502.
36 20 Sec. _____. NEW SECTION. 476B.10 RULES.
36 21 The department and the board may adopt rules
36 22 pursuant to chapter 17A for the administration and
36 23 enforcement of this chapter.>
36 24 ~~#strike>~~ _____. Page 48, by inserting after line 26, the
36 25 following:

36 26 <DIVISION _____
36 27 PROVISIONS RELATING TO THE PRACTICE OF PHARMACY
36 28 Sec. _____. Section 155A.3, subsection 11, Code
36 29 2005, is amended to read as follows:
36 30 11. "Dispense" means to deliver a prescription
36 31 drug, device, or controlled substance to an ultimate
36 32 user or research subject by or pursuant to the lawful
36 33 prescription drug order or medication order of a
36 34 practitioner, including the prescribing,
36 35 administering, packaging, labeling, or compounding
36 36 necessary to prepare the substance for that delivery.
36 37 Sec. _____. Section 155A.3, Code 2005, is amended by
36 38 adding the following new subsection:
36 39 NEW SUBSECTION. 22A. "Logistics provider" means
36 40 an entity that provides or coordinates warehousing,
36 41 distribution, or other services on behalf of a
36 42 manufacturer or other owner of a drug, but does not
36 43 take title to the drug or have general responsibility
36 44 to direct its sale or other disposition.
36 45 Sec. _____. Section 155A.3, Code 2005, is amended by
36 46 adding the following new subsection:
36 47 NEW SUBSECTION. 23A. "Pedigree" means a recording
36 48 of each distribution of any given drug or device, from
36 49 the sale by the manufacturer through acquisition and
36 50 sale by any wholesaler, pursuant to rules adopted by
37 1 the board.
37 2 Sec. _____. Section 155A.3, subsection 33, paragraph
37 3 b, Code 2005, is amended to read as follows:
37 4 b. A drug or device that under federal law is
37 5 required, prior to being dispensed or delivered, to be
37 6 labeled with ~~either one~~ of the following statements:
37 7 (1) Caution: Federal law prohibits dispensing
37 8 without a prescription.
37 9 (2) Caution: Federal law restricts this drug to
37 10 use by or on the order of a licensed veterinarian.
37 11 (3) Caution: Federal law restricts this device to
37 12 sale by, or on the order of, a physician.
37 13 (4) Rx only.
37 14 Sec. _____. Section 155A.3, subsection 35, Code
37 15 2005, is amended to read as follows:
37 16 35. "Proprietary medicine" ~~or "over-the-counter~~
37 17 medicine" means a nonnarcotic drug or device that may
37 18 be sold without a prescription and that is labeled and
37 19 packaged in compliance with applicable state or
37 20 federal law.
37 21 Sec. _____. Section 155A.3, subsection 38, Code
37 22 2005, is amended to read as follows:
37 23 38. "Wholesaler" means a person operating or
37 24 maintaining, either within or outside this state, a
37 25 manufacturing plant, wholesale distribution center,
37 26 wholesale business, or any other business in which
37 27 prescription drugs or devices, medicinal chemicals,
37 28 medicines, or poisons are sold, manufactured,
37 29 compounded, dispensed, stocked, exposed, distributed
37 30 from, or offered for sale at wholesale in this state.
37 31 "Wholesaler" does not include those wholesalers who
37 32 sell only proprietary or over-the-counter medicines.
37 33 "Wholesaler" also does not include a commercial
37 34 carrier that temporarily stores prescription drugs or
37 35 devices, medicinal chemicals, medicines, or poisons
37 36 while in transit.
37 37 Sec. _____. Section 155A.4, subsection 2, paragraph
37 38 a, Code 2005, is amended to read as follows:
37 39 a. A ~~manufacturer or~~ wholesaler to distribute
37 40 prescription drugs or devices as provided by state or
37 41 federal law.
37 42 Sec. _____. Section 155A.13, subsection 6,
37 43 unnumbered paragraph 1, Code 2005, is amended to read
37 44 as follows:
37 45 To qualify for a pharmacy license, the applicant
37 46 shall submit to the board a license fee as determined
37 47 by the board and a completed application on a form
37 48 prescribed by the board ~~that shall include the~~
37 49 following information and. The application shall
37 50 include the following and such other information as
38 1 required by rules of the board and shall be given
38 2 under oath:
38 3 Sec. _____. Section 155A.17, subsection 2, Code
38 4 2005, is amended to read as follows:
38 5 2. The board shall establish standards for drug
38 6 wholesaler licensure and may define specific types of

38 7 wholesaler licenses. The board may deny, suspend, or
38 8 revoke a drug wholesale license for failure to meet
38 9 the applicable standards or for a violation of the
38 10 laws of this state, another state, or the United
38 11 States relating to prescription drugs, devices, or
38 12 controlled substances, or for a violation of this
38 13 chapter, chapter 124, 124A, 124B, 126, or 205, or a
38 14 rule of the board.
38 15 Sec. _____. Section 155A.17, subsection 3, Code
38 16 2005, is amended to read as follows:
38 17 3. The board shall adopt rules pursuant to chapter
38 18 17A on matters pertaining to the issuance of a
38 19 wholesale drug license. The rules shall provide for
38 20 conditions of licensure, compliance standards,
38 21 licensure fees, disciplinary action, and other
38 22 relevant matters. Additionally, the rules shall
38 23 establish provisions or exceptions for pharmacies,
38 24 chain pharmacy distribution centers, logistics
38 25 providers, and other types of wholesalers relating to
38 26 pedigree requirements, drug or device returns, and
38 27 other related matters, so as not to prevent or
38 28 interfere with usual, customary, and necessary
38 29 business activities.
38 30 Sec. _____. Section 155A.19, subsection 1, paragraph
38 31 f, Code 2005, is amended by striking the paragraph and
38 32 inserting in lieu thereof the following:
38 33 f. Change of legal name or doing-business-as name.
38 34 Sec. _____. Section 155A.19, Code 2005, is amended
38 35 by adding the following new subsection:
38 36 NEW SUBSECTION. 3. A wholesaler shall report in
38 37 writing to the board, pursuant to its rules, the
38 38 following:
38 39 a. Permanent closing or discontinuation of
38 40 wholesale distributions into this state.
38 41 b. Change of ownership.
38 42 c. Change of location.
38 43 d. Change of the wholesaler's responsible
38 44 individual.
38 45 e. Change of legal name or doing-business-as name.
38 46 f. Theft or significant loss of any controlled
38 47 substance on discovery of the theft or loss.
38 48 g. Disasters, accidents, and emergencies that may
38 49 affect the strength, purity, or labeling of drugs,
38 50 medications, devices, or other materials used in the
39 1 diagnosis or the treatment of injury, illness, and
39 2 disease.
39 3 h. Other information or activities as required by
39 4 rule.
39 5 Sec. _____. Section 155A.20, subsection 1, Code
39 6 2005, is amended to read as follows:
39 7 1. A person, other than a pharmacy or wholesaler
39 8 licensed under this chapter, shall not display in or
39 9 on any store, internet site, or place of business, nor
39 10 use in any advertising or promotional literature,
39 11 communication, or representation, the word or words:
39 12 "apothecary", "drug", "drug store", or "pharmacy",
39 13 either in English or any other language, any other
39 14 word or combination of words of the same or similar
39 15 meaning, or any graphic representation in a manner
39 16 that would mislead the public unless it is a pharmacy
39 17 or drug wholesaler licensed under this chapter.
39 18 Sec. _____. Section 155A.21, Code 2005, is amended
39 19 to read as follows:
39 20 155A.21 UNLAWFUL POSSESSION OF PRESCRIPTION DRUG
39 21 OR DEVICE == PENALTY.
39 22 1. A person found in possession of a drug or
39 23 device limited to dispensation by prescription, unless
39 24 the drug or device was so lawfully dispensed, commits
39 25 a serious misdemeanor.
39 26 2. Subsection 1 does not apply to a licensed
39 27 pharmacy, licensed wholesaler, physician,
39 28 veterinarian, dentist, podiatric physician,
39 29 therapeutically certified optometrist, advanced
39 30 registered nurse practitioner, physician assistant, a
39 31 nurse acting under the direction of a physician, or
39 32 the board of pharmacy examiners, its officers, agents,
39 33 inspectors, and representatives, nor to a common
39 34 carrier, manufacturer's representative, or messenger
39 35 when transporting the drug or device in the same
39 36 unbroken package in which the drug or device was
39 37 delivered to that person for transportation.

39 38 Sec. _____. Section 155A.23, Code 2005, is amended
39 39 to read as follows:
39 40 155A.23 PROHIBITED ACTS.
39 41 A person shall not perform or cause the performance
39 42 of or aid and abet any of the following acts:
39 43 1. ~~Obtain or attempt~~ Obtaining or attempting to
39 44 obtain a prescription drug or device or procure or
39 45 ~~attempt procuring or attempting to procure the~~
39 46 administration of a prescription drug or device by:
39 47 a. ~~Fraud~~ Engaging in fraud, deceit,
39 48 misrepresentation, or subterfuge.
39 49 b. ~~Forgery or alteration of~~ Forging or altering a
39 50 written, electronic, or facsimile prescription or of
40 1 any written, electronic, or facsimile order.
40 2 c. ~~Concealment of~~ Concealing a material fact.
40 3 d. ~~Use of~~ Using a false name or ~~the~~ giving of a
40 4 false address.
40 5 2. Willfully ~~make~~ making a false statement in any
40 6 prescription, report, or record required by this
40 7 chapter.
40 8 3. For the purpose of obtaining a prescription
40 9 drug or device, falsely ~~assume~~ assuming the title of
40 10 or ~~claim~~ claiming to be a manufacturer, wholesaler,
40 11 pharmacist, pharmacy owner, physician, dentist,
40 12 podiatric physician, veterinarian, or other authorized
40 13 person.
40 14 4. ~~Make or utter~~ Making or uttering any false or
40 15 forged oral, written, electronic, or facsimile
40 16 prescription or oral, written, electronic, or
40 17 facsimile order.
40 18 5. ~~Affix any false or forged label to a package or~~
40 19 ~~receptacle containing prescription drugs~~ Forging,
40 20 counterfeiting, simulating, or falsely representing
40 21 any drug or device without the authority of the
40 22 manufacturer, or using any mark, stamp, tag, label, or
40 23 other identification device without the authorization
40 24 of the manufacturer.
40 25 6. Manufacturing, repackaging, selling,
40 26 delivering, or holding or offering for sale any drug
40 27 or device that is adulterated, misbranded,
40 28 counterfeit, suspected of being counterfeit, or that
40 29 has otherwise been rendered unfit for distribution.
40 30 7. Adulterating, misbranding, or counterfeiting
40 31 any drug or device.
40 32 8. Receiving any drug or device that is
40 33 adulterated, misbranded, stolen, obtained by fraud or
40 34 deceit, counterfeit, or suspected of being
40 35 counterfeit, and delivering or proffering delivery of
40 36 such drug or device for pay or otherwise.
40 37 9. Adulterating, mutilating, destroying,
40 38 obliterating, or removing the whole or any part of the
40 39 labeling of a drug or device or committing any other
40 40 act with respect to a drug or device that results in
40 41 the drug or device being misbranded.
40 42 10. Purchasing or receiving a drug or device from
40 43 a person who is not licensed to distribute the drug or
40 44 device to that purchaser or recipient.
40 45 11. Selling or transferring a drug or device to a
40 46 person who is not authorized under the law of the
40 47 jurisdiction in which the person receives the drug or
40 48 device to purchase or possess the drug or device from
40 49 the person selling or transferring the drug or device.
40 50 12. Failing to maintain or provide records as
41 1 required by this chapter, chapter 124, or rules of the
41 2 board.
41 3 13. Providing the board or any of its
41 4 representatives or any state or federal official with
41 5 false or fraudulent records or making false or
41 6 fraudulent statements regarding any matter within the
41 7 scope of this chapter, chapter 124, or rules of the
41 8 board.
41 9 14. Distributing at wholesale any drug or device
41 10 that meets any of the following conditions:
41 11 a. The drug or device was purchased by a public or
41 12 private hospital or other health care entity.
41 13 b. The drug or device was donated or supplied at a
41 14 reduced price to a charitable organization.
41 15 c. The drug or device was purchased from a person
41 16 not licensed to distribute the drug or device.
41 17 d. The drug or device was stolen or obtained by
41 18 fraud or deceit.

41 19 15. Failing to obtain a license or operating
41 20 without a valid license when a license is required
41 21 pursuant to this chapter or chapter 147.
41 22 16. Engaging in misrepresentation or fraud in the
41 23 distribution of a drug or device.
41 24 17. Distributing a drug or device to a patient
41 25 without a prescription drug order or medication order
41 26 from a practitioner licensed by law to use or
41 27 prescribe the drug or device.
41 28 18. Distributing a drug or device that was
41 29 previously dispensed by a pharmacy or distributed by a
41 30 practitioner except as provided by rules of the board.
41 31 19. Failing to report any prohibited act.
41 32 Information communicated to a physician in an
41 33 unlawful effort to procure a prescription drug or
41 34 device or to procure the administration of a
41 35 prescription drug shall not be deemed a privileged
41 36 communication.
41 37 Subsections 6 and 7 shall not apply to the
41 38 wholesale distribution by a manufacturer of a
41 39 prescription drug or device that has been delivered
41 40 into commerce pursuant to an application approved by
41 41 the federal food and drug administration.
41 42 Sec. ____. Section 155A.24, Code 2005, is amended
41 43 to read as follows:
41 44 155A.24 PENALTIES.
41 45 1. Except as otherwise provided in this section,
41 46 a person who violates a provision of section 155A.23
41 47 or who sells or offers for sale, gives away, or
41 48 administers to another person any prescription drug or
41 49 device in violation of this chapter commits a public
41 50 offense and shall be punished as follows:
42 1 a. If the prescription drug is a controlled
42 2 substance, the person shall be punished pursuant to
42 3 section 124.401, subsection 1, and section 124.411
42 4 chapter 124, division IV.
42 5 b. If the prescription drug is not a controlled
42 6 substance, the person, upon conviction of a first
42 7 offense, is guilty of a serious misdemeanor. For a
42 8 second offense, or if in case of a first offense the
42 9 offender previously has been convicted of any
42 10 violation of the laws of the United States or of any
42 11 state, territory, or district thereof relating to
42 12 prescription drugs or devices, the offender is guilty
42 13 of an aggravated misdemeanor. For a third or
42 14 subsequent offense or if in the case of a second
42 15 offense the offender previously has been convicted two
42 16 or more times in the aggregate of any violation of the
42 17 laws of the United States or of any state, territory,
42 18 or district thereof relating to prescription drugs or
42 19 devices, the offender is guilty of a class "D" felony.
42 20 2. A person who violates any provision of this
42 21 chapter by selling, giving away, or administering any
42 22 prescription drug or device to a minor is guilty of a
42 23 class "C" felony.
42 24 3. A wholesaler who, with intent to defraud or
42 25 deceive, fails to deliver to another person, when
42 26 required by rules of the board, complete and accurate
42 27 pedigree concerning a drug prior to transferring the
42 28 drug to another person is guilty of a class "C"
42 29 felony.
42 30 4. A wholesaler who, with intent to defraud or
42 31 deceive, fails to acquire, when required by rules of
42 32 the board, complete and accurate pedigree concerning a
42 33 drug prior to obtaining the drug from another person
42 34 is guilty of a class "C" felony.
42 35 5. A wholesaler who knowingly destroys, alters,
42 36 conceals, or fails to maintain, as required by rules
42 37 of the board, complete and accurate pedigree
42 38 concerning any drug in the person's possession is
42 39 guilty of a class "C" felony.
42 40 6. A wholesaler who is in possession of pedigree
42 41 documents required by rules of the board, and who
42 42 knowingly fails to authenticate the matters contained
42 43 in the documents as required, and who nevertheless
42 44 distributes or attempts to further distribute drugs is
42 45 guilty of a class "C" felony.
42 46 7. A wholesaler who, with intent to defraud or
42 47 deceive, falsely swears or certifies that the person
42 48 has authenticated any documents related to the
42 49 wholesale distribution of drugs or devices is guilty

42 50 of a class "C" felony.

43 1 8. A wholesaler who knowingly forges,
43 2 counterfeits, or falsely creates any pedigree, who
43 3 falsely represents any factual matter contained in any
43 4 pedigree, or who knowingly omits to record material
43 5 information required to be recorded in a pedigree is
43 6 guilty of a class "C" felony.

43 7 9. A wholesaler who knowingly purchases or
43 8 receives drugs or devices from a person not authorized
43 9 to distribute drugs or devices in wholesale
43 10 distribution is guilty of a class "C" felony.

43 11 10. A wholesaler who knowingly sells, barter,
43 12 brokers, or transfers a drug or device to a person not
43 13 authorized to purchase the drug or device under the
43 14 jurisdiction in which the person receives the drug or
43 15 device in a wholesale distribution is guilty of a
43 16 class "C" felony.

43 17 11. A person who knowingly manufacturers, sells,
43 18 or delivers, or who possesses with intent to sell or
43 19 deliver, a counterfeit, misbranded, or adulterated
43 20 drug or device is guilty of the following:

43 21 a. If the person manufactures or produces a
43 22 counterfeit, misbranded, or adulterated drug or
43 23 device; or if the quantity of a counterfeit,
43 24 misbranded, or adulterated drug or device being sold,
43 25 delivered, or possessed with intent to sell or deliver
43 26 exceeds one thousand units or dosages; or if the
43 27 violation is a third or subsequent violation of this
43 28 subsection, the person is guilty of a class "C"
43 29 felony.

43 30 b. If the quantity of a counterfeit, misbranded,
43 31 or adulterated drug or device being sold, delivered,
43 32 or possessed with intent to sell or deliver exceeds
43 33 one hundred units or dosages but does not exceed one
43 34 thousand units or dosages; or if the violation is a
43 35 second or subsequent violation of this subsection, the
43 36 person is guilty of a class "D" felony.

43 37 c. All other violations of this subsection shall
43 38 constitute an aggravated misdemeanor.

43 39 12. A person who knowingly forges, counterfeits,
43 40 or falsely creates any label for a drug or device or
43 41 who falsely represents any factual matter contained on
43 42 any label of a drug or device is guilty of a class "C"
43 43 felony.

43 44 13. A person who knowingly possesses, purchases,
43 45 or brings into the state a counterfeit, misbranded, or
43 46 adulterated drug or device is guilty of the following:

43 47 a. If the quantity of a counterfeit, misbranded,
43 48 or adulterated drug or device being possessed,
43 49 purchased, or brought into the state exceeds one
43 50 hundred units or dosages; or if the violation is a
44 1 second or subsequent violation of this subsection, the
44 2 person is guilty of a class "D" felony.

44 3 b. All other violations of this subsection shall
44 4 constitute an aggravated misdemeanor.

44 5 14. This section does not prevent a licensed
44 6 practitioner of medicine, dentistry, podiatry,
44 7 nursing, veterinary medicine, optometry, or pharmacy
44 8 from acts necessary in the ethical and legal
44 9 performance of the practitioner's profession.

44 10 15. Subsections 1 and 2 shall not apply to a
44 11 parent or legal guardian administering, in good faith,
44 12 a prescription drug or device to a child of the parent
44 13 or a child for whom the individual is designated a
44 14 legal guardian.

44 15 Sec. _____. NEW SECTION. 155A.40 CRIMINAL HISTORY
44 16 RECORD CHECKS.

44 17 1. The board may request and obtain,
44 18 notwithstanding section 692.2, subsection 5, criminal
44 19 history data for any applicant for an initial or
44 20 renewal license or registration issued pursuant to
44 21 this chapter or chapter 147, any applicant for
44 22 reinstatement of a license or registration issued
44 23 pursuant to this chapter or chapter 147, or any
44 24 licensee or registrant who is being monitored as a
44 25 result of a board order or agreement resolving an
44 26 administrative disciplinary action, for the purpose of
44 27 evaluating the applicant's, licensee's, or
44 28 registrant's eligibility for licensure, registration,
44 29 or suitability for continued practice of the
44 30 profession. Criminal history data may be requested

44 31 for all owners, managers, and principal employees of a
44 32 pharmacy or drug wholesaler licensed pursuant to this
44 33 chapter. The board shall adopt rules pursuant to
44 34 chapter 17A to implement this section. The board
44 35 shall inform the applicant, licensee, or registrant of
44 36 the criminal history requirement and obtain a signed
44 37 waiver from the applicant, licensee, or registrant
44 38 prior to submitting a criminal history data request.
44 39 2. A request for criminal history data shall be
44 40 submitted to the department of public safety, division
44 41 of criminal investigation and bureau of
44 42 identification, pursuant to section 692.2, subsection
44 43 1. The board may also require such applicants,
44 44 licensees, and registrants to provide a full set of
44 45 fingerprints, in a form and manner prescribed by the
44 46 board. Such fingerprints may be submitted to the
44 47 federal bureau of investigation through the state
44 48 criminal history repository for a national criminal
44 49 history check. The board may authorize alternate
44 50 methods or sources for obtaining criminal history
45 1 record information. The board may, in addition to any
45 2 other fees, charge and collect such amounts as may be
45 3 incurred by the board, the department of public
45 4 safety, or the federal bureau of investigation in
45 5 obtaining criminal history information. Amounts
45 6 collected shall be considered repayment receipts as
45 7 defined in section 8.2.
45 8 3. Criminal history information relating to an
45 9 applicant, licensee, or registrant obtained by the
45 10 board pursuant to this section is confidential. The
45 11 board may, however, use such information in a license
45 12 or registration denial proceeding. In a disciplinary
45 13 proceeding, such information shall constitute
45 14 investigative information under section 272C.6,
45 15 subsection 4, and may be used only for purposes
45 16 consistent with that section.
45 17 4. This section shall not apply to a manufacturer
45 18 of a prescription drug or device that has been
45 19 delivered into commerce pursuant to an application
45 20 approved by the federal food and drug administration.
45 21 Sec. _____. NEW SECTION. 155A.41 CONTINUOUS
45 22 QUALITY IMPROVEMENT PROGRAM.
45 23 1. Each licensed pharmacy shall implement or
45 24 participate in a continuous quality improvement
45 25 program to review pharmacy procedures in order to
45 26 identify methods for addressing pharmacy medication
45 27 errors and for improving patient use of medications
45 28 and patient care services. Under the program, each
45 29 pharmacy shall assess its practices and identify areas
45 30 for quality improvement.
45 31 2. The board shall adopt rules for the
45 32 administration of a continuous quality improvement
45 33 program. The rules shall address all of the
45 34 following:
45 35 a. Program requirements and procedures.
45 36 b. Program record and reporting requirements.
45 37 c. Any other provisions necessary for the
45 38 administration of a program.>
45 39 ~~#strike>~~____. Title page, line 1, by inserting after the
45 40 word <Act> the following: <relating to state and
45 41 local finances by providing for tax exemptions,
45 42 credits, tax credit transfers, and other tax-related
45 43 matters and by>.
45 44 ~~#strike>~~____. Title page, line 2, by inserting after the
45 45 word <fees,> the following: <providing for wind
45 46 energy production tax credits,>.
45 47 ~~#strike>~~____. Title page, line 2, by inserting after the
45 48 word <matters> the following: <and penalties>.>
45 49 #11. By renumbering, relettering, or redesignating
45 50 and correcting internal references as necessary.
46 1 HF 882.H
46 2 jp/es/25